

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

FORM OF INDEX AS PER CAT (DESTRUCTION OF RECORDS) RULES, 1990

LIST OF PAPERS IN OA/TA/RA/CP NO. 193/86 /

Sl.No.	Items	Description of papers
1.	2.	3.
1.	Order sheets	Kept
2.	All orders/judgements of the Tribunal passed in the case	do -
3.	Judgements and orders received from the Supreme Court in the case.	Not Received
4.	All applications including MAs/Plaints/memoranda/appeals together with annexures and all other documents whether original or copies filed with them	Destroyed
5.	Counter/written statement and reply affidavits	do
6.	All depositions of witnesses taken by way of affidavit	do
7.	All documents or certified copies received by the Court and marked as exhibits, reports and examination of commissioners.	do
8.	Notices	do
9.	Letters filed by the counsel and other correspondences, vakalatnama/memo of appearance	do
10.	All other papers not already specified.	do

**IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL ADDITIONAL BENCH,
BANGALORE**

ORDER SHEET
Application No 193 of 198 7(F)

Applicant

H. S. Keshava Murthy

Advocate for Applicant

Party in Person.

Respondent

Sr. Supdt. of Post & Tl. Dn.,
Bangalore West Divn. Bangalore.

Advocate for Respondent


Date	Office Notes	Orders of Tribunal
17 ³ / ₈₇	<p>The applicant is presently serving as Subpostmaster Vijayanagar Bangalore. On the allegation that while working as Sub-Postmaster Malleswaram West Postoffice, the applicant has caused certain loss to the department and for certain other misconduct and misbehaviour a departmental enquiry was held against the applicant. By order dt. 24.2.87, the applicant was held guilty and a punishment was imposed directing him to make good the loss caused to the department by paying a sum of Rs. 6,500 and xxxx with a further direction that the said amount be recovered in 10 monthly instalments of Rs. 650 commencing from the pay of February '87. Questioning the legality and validity of the aforesaid order, the present application is filed under Section 19 of the AT Act.</p> <p>In column no. 9 of the application the applicant xxxx himself has stated that he has a remedy by way of an appeal which he is preferring.</p> <p>Admittedly the applicant has a remedy of appeal against the penalty imposed on him. He has not filed any such appeal. Therefore, the applicant has not exhausted or availed of the remedy available to him for redressal of his grievance in accordance with the service rules. Section 21(1) of the Act provides that the Tribunal shall not ordinarily admit an application filed under Section 19 unless it is satisfied that the applicant has availed of all the</p>	

Date	Office Notes	Orders of Tribunal
	<p>remedies available to him under relevant service rules as to the redressal of grievance. As the applicant has a remedy of appeal and as he has not availed of that remedy, in my view, the application is not maintainable.</p> <p>The application is otherwise in order. It is directed to be registered. The application be posted before the Bench on 18/3/87 for hearing as to how the application is maintainable without availing remedy of appeal available to the applicant and for admission.</p> <p style="text-align: center;"> <i>P. Venkatesh Patil</i> (Venkatesh Patil) Registrar 17-3-87 </p> <p><u>S.O(J)</u></p> <p style="text-align: center;"><u>18/3/87</u></p> <p>The Hon'ble Shri. Ch. Ramakrishna Rao, N.G.D.</p> <p>The Hon'ble Shri. P. Srinivasan N.A.</p> <p>Sri. H.S. Kesavaramulu, party in person.</p> <p>So Application is Dismissed at the time of admission DO.</p> <p style="text-align: right;"><i>CH2</i></p>	

*File removed
17/3*

**IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL ADDITIONAL BENCH,
BANGALORE**

Order Sheet (contd)

Date	Office Notes	Orders of Tribunal
20-3-89	Copy of order dt 2 18/3/89 issued to all <u>L</u> 20/3	
20/3/89	Qc & added after over 	

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE EIGHTEENTH DAY OF MARCH, 1987

Present : Hon'ble Shri Ch. Ramakrishna Rao ... Member (J)

Hon'ble Shri P. Srinivasan ... Member (A)

APPLICATION NO. 193/87(F)

Shri H.S. Keshava Murthy,
Sub Post Master,
Vijayanagar Post Office,
Bangalore-5560 040. ... Applicant

V.

Senior Supdt. of Post Offices,
Bangalore West Division,
Bangalore-560 010. ... Respondent

This application has come up for admission before this Tribunal today, Hon'ble Shri Srinivasan, Member (A), made the following:-

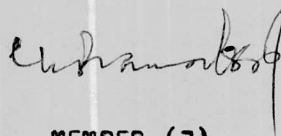
O R D E R


The applicant himself in person. In this case the disciplinary authority viz., the Senior Supdt. of Post Offices, Bangalore Division, has passed the impugned order imposing a penalty on the applicant after disciplinary proceedings. This order was passed on 24.2.1987. The rules provide for an appeal against this order. This remedy has not been exhausted by the applicant. Under Section 20 of the Administrative Tribunal Act, this Tribunal shall not ordinarily admit^{an} application unless it is satisfied that the applicant has availed of all the remedies available to him under the service rules. The applicant pleads that in this case the application should be admitted because the disciplinary authority has directed recovery of a sum of Rs.6,500 from his salary in 10 monthly instalments of Rs.650/- commencing from the month of February 1987 and that this recovery is too heavy for him to bear. He contends that if he were to go in appeal, the decision in appeal will take a long time and he will be put to hardship on that account.

P. S. Srinivasan

2. Having heard the applicant we are not satisfied that an exception should be made in this case from the general rule laid down in Section 20 of the Act. The applicant can file an appeal and apply to the appellate authority for stay of recovery which we are sure the appellate authority will consider on merits *expeditiously*. We also hope that the appeal when filed will be taken up and disposed of ^{or} ~~the appeal~~ by the appellate authority since the applicant informs us that he is due to retire within 14 months. In any case in view of the impending retirement of the applicant we would expect the appellate authority to decide the matter within three months of the date on which the applicant files his appeal.

3. With these observations we decline to admit this application at this stage.


MEMBER (J)


MEMBER (A)

bsv