

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Registered

Application No. 250, 254, to 259, 272, &

To 273/86 (T) (W.P.Nos 3443/80, 4341/80, 4342/80, 4343/80,

4344/80, 4345/80, 4346/80, 4828/80, 4840/80)

1) A. Adhiraja Hegde

Extra Departmental Branch
Post Master, R/o Hiriyangadi
Karkala, Taluk, Post: Karkala,
Dakshina Kannada Dist

Applicant in A No 250/86 (T)

2) P. Dharmapala Jain,
Extra Departmental Post Master,
R/o Idu, Karkala, Tq.
Tq: - Dakshina Kannada Dist

Applicant in A No 254/86 (T)

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH
IN APPLICATION NO. 250, 254, to 259, 272 & 273/86 (T)

Please find enclosed herewith the copy of the Order/Interim Order
passed by this Tribunal in the above said Application on 11th Sept 1986.

Copy no 255/86 (T)


SECTION OFFICER
(Judicial) pvc

Encl: As above.

~~copy to~~

3) Shri P. Viswanatha Shetty,
No 11 Jeevan Building
(Departmental Stores)
1st Floor, Kumarapura East
Bangalore 560001

Advocate for Applicants

4) Sri M. Vasudevarao
Addl. Central Govt
Standing Counsel
High Court Building
Bangalore 560001

Advocate for Respondents

Extra Departmental
Masler, RIO Peorange Village,
Post: Belthongade Taluk,
Dakshina Kannada Dist'

Applicant in
A 255/86(T)

6) M. ViHai Shetty,
Extra Departmental
Branch post Masler,
RIO Balady, Kanthavara
Village. Karkala Taluk,
Dakshina Kannada District

Applicant in
A NO 256/86(T)

7) Gyomprin Pinto,
Extra Departmental
Branch, Post Masler,
Talode village, & post
Moodabidre, D.K. District

Applicant in
A NO 257/86(T)

8) K. Narasimha, Achary,
Extra Departmental Branch.
Post Masler, RIO Borkatte.
Village. Miyar. Karkala,
Dakshina. Kannada Dist'

Applicant in
A. NO 258/86(T)

9) Srinivasa. T. Naik,
Extra, Departmental
post. Masler, RIA Nakre.
Village and post Karkala Taluk.
Dakshina Kannada. District

Applicant in
A NO 259/86(T)

10) K. P. Gunapala. Hegde,
Extra Departmental Branch
Post Masler, RIA Darguddde,
Moodabidri,
Dakshina Kannada District

Applicant in
A NO 272/86(T)

11) Abraham D'Souza,
Extra Departmental
Branch, Post Masler,
Kudri Pavu Village,
Karkala Taluk, D.K.

Applicant in
A NO 273/86(T)

12) Superintendent of Post
Offices, Puttur Division,
Puttur, Dakshina Kannada,

13) Post Masler General
Palace Road
Bangalore. 560001
Respondent.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH: BANGALORE

DATED THIS THE 11TH DAY OF SEPTEMBER, 1986.

Present:

Hon'ble Mr. Justice K.S. Puttaswamy, Vice-Chairman

Member (A)

Hon'ble Mr. P. Srinivasan.

APPLICATIONS NOS 250, 254 TO 259, 272 & 273/1986.

A. Adhiraja Hegde,
Aged about 49 years,
Extra Departmental Branch
Post Master, r/o Hiriyangadi
Karkala Taluk, Post: Karkala, .. Applicant in
Dakshina Kannada District. A.250/1986.

P. Dharmapala Jain,
Aged about 50 years,
S/o Annu Muraya, Extra
Departmental Post Master,
r/o Idu, Karkala Tq., .. Applicant in
Dakshina Kannada District. A.254/1986.

E. Narasimha, Aged about
50 years, S/o E. Ramayya,
Extra Departmental Post
Master, r/o Perange Village,
and Post, Belthangadi Taluk,
Dakshina Kannada District. .. Applicant in
A.255/1986.

M. Vittal Shetty,
Major, Extra Departmental
Branch Post Master, r/o
Balady, Kanthavara Village .. Applicant in
Karkala Taluk, D.K. District. A.256/1986.

Cymprin Pinto,
Aged about 49 years,
S/o A.B. Pinto, Extra
Departmental Branch, Post Master,
Tancode Village & Post,
Moodabidre, T.K. District. .. Applicant in
A.257/1986.

K. Narasimha Achar,
Major, Extra Departmental
Branch Post Master, r/o
Borkatte Village,
Miyar, Karkala, .. Applicant in
Dakshina Kannada District. A.258/1986.

Srinivasa T. Naik



Srinivasa T. Naik,
Aged about 49 years,
Extra Departmental Post
Master, residing at Nakre
Village and Post,
Karkala Taluk,
Dakshina Kannada District.

.. Applicant in
A.No.259/86.

K.P.Gunapala Hegde,
Aged about 45 years,
Extra Departmental Branch
Post Master, residing at
Daregudde, Moodabidri,
Dakshina Kannada District.

.. Applicant in
A.272/1986.

Abraham D'Souza,
Major, Extra Departmental
Branch Post Master,
Kudripadavu Village,
Karkala Taluk,
Dakshina Kannada.Dist.

.. Applicant in
A.273/1986

(By Sri P.Viswanatha Shetty, Advocate)

v.

1. Superintendent of Post Offices, Puttur Division, Puttur, Dakshina Kannada District.
2. Post Master General Palace Road, Bangalore-560 001.

.. Respondents common in all the applications.

(By Sri M.Vasudevarao, Addl.Central Govt.
Standing Counsel for Respondents)

These applications coming on for hearing this day, Vice-Chairman made the following:

O R D E R

As the questions that arise for determination in these cases are common, we propose to dispose of them by a common order.

2. In



2. In all these transferred applications from the High Court of Karnataka, the applicants have challenged separate but identical communication addressed by the Superintendent of Post Offices, Puttur Division, Puttur, Dakshina Kannada District ('Superintendent').

3. The applicants who are working as teachers in Government or Government aided private schools have been appointed as Extra Departmental Branch Post Masters ('EDEPMs') on different dates in their respective places of working under 'The Posts and Telegraphs Extra Departmental Agents (Conduct and Service) Rules of 1964' ('the Rules'). Eversince their respective appointments, the applicants are working as EDEPMs at the places of their work as teachers.

4. In his separate but identical communication dated 19-11-1979 addressed to the applicants, the Superintendent had stated that there was a likelihood of their being terminated at the end of their academic year. That communication, which is material, reads thus:

"INDIAN POSTS AND TELEGRAPHS DEPARTMENT

To.

From:

Supdt.of Post Offices, Sri.....
Puttur (DK) Division,
at Mangalore 575001.

Memo No. B II-2/ED BPM dated at Mangalore
575001, the 19-11-1979

Sub: Replacement of teachers
who are working as Branch
Postmasters in the P & T
Department.

Ref:



" Ref: PMG-Bangalore letter No. STA
/22-10/IV dated 3-11-1979.

Please take notice that your service as Branch Postmaster is likely to be terminated at the end of the current academic year. Please acknowledge the receipt of this letter.

Sd/- Supdt.of Post
Offices, Puttur (DK)
Division. "

Sometime after so addressing the applicants, the Superintendent had issued a notification on 21-2-1980 (Annexure-C) calling for applications to fill up the posts of EDBMs where the applicants and others are working. In these applications the applicants have challenged the communication dated 19-11-1979 and the notification dated 21-2-1980 of the Superintendent on a large number of grounds, one of them being that their services have been terminated and that he had made arrangements to fill up the posts they are holding.

5. In justification of the communication dated 19-11-1979 and the notification dated 21-2-1980, the respondents have filed their reply in which they have set out various facts and circumstances and grounds.

6. Sri P.Viswanatha Shetty, learned counsel for the applicants contends that every one of his client appointed as EDBMs in conformity with the Rules stand terminated by the Superintendent without rhyme or reason and in contravention of Article 311(2) of the Constitution. In support of his contention Sri Shetty strongly relies on the ruling of the Supreme

Court



Court in THE SUPERINTENDENT OF POST OFFICES AND OTHERS
v. P.K.RAMAMMA (1977 S.C.C. 374).

7. Sri M.Vasudeva Rao, learned Additional Central Government Standing Counsel appearing for the respondents sought to support the actions of the Superintendent.

8. We have earlier set out in entirety the communication dated 19-11-1979 addressed to the applicants and impugned by them. When we read that communication on its own terms, without reference to the pleas urged by the applicants or the respondents, it is crystal clear that the Superintendent was only contemplating a particular course of action at some future point of time. We nowhere find in the communications addressed to the applicants that their services stand terminated as claimed by them. We cannot import something to the communications on the basis of the rival pleas urged before us. Whether the Superintendent will follow up what he is thinking or drop the proceedings themselves, cannot be predicted by us at this stage. Even before the services of the applicants are actually terminated, which can then be challenged before this Tribunal, we do not see sufficient and justifiable grounds to interfere with the contemplated course of action only. On this short ground, we decline to interfere with the communications of the Superintendent. When we decline to interfere with the communications, it also follows from the same



same that we should decline to interfere with the notification dated 21-2-1980 as unnecessary at this stage.

9. On the view we have taken, we have not examined the rival contentions urged before us. But, this does not preclude either of them to urge them if an occasion really arises for the same.

10. In the light of our above discussion, we hold that these applications are liable to be dismissed. We, therefore, dismiss these applications. But, in the circumstances of the cases, we direct the parties to bear their own costs.



3d/—
VICE CHAIRMAN

8d/—
MEMBER

SECTION OFFICER

SECTION OFFICER

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH

BANGALORE

np/

R. D. 24/4/86