CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Registered

Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Application No. 250, 254, to 259, 272, & 273/86 (T) (W.P.Nos. 3993/80, 4341/80, 4342/80, 4343/80, 4344/80, 4345/80, 4346/80, 4828/80, 4840/80)

Dated the Oct 24 OCT 1986, 86.

To

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 Depart Mental 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)

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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 in A.No 258/86 (T)

SECTION OFFICER
(Judicial)

Encl: As above.
~~Copy to~~

3) Shri P. Viswanatha Shetty
No 11 Jeevan Building
(Departmental Stores)
1st Floor. Kumarpark 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 post
Master, R/o Perange Village,
Post: Belthangadi Taluk,
Dakshina Kannada Dist — Applicant in A 255/86(T)

(4) M. Vittal Shetty,
Extra Departmental
Branch post Master,
R/o Balady, Kanthavara
Village Karkala Taluk,
Dakshna kannada District — Applicant in A No 256/86(T)

(5) Cyprian Pinto,
Extra Departmental
Branch, post Master,
Tacode village, & post
Moodabidre, D.K. District — Applicant in A No 257/86(T)

(6) K. Narasimha, Achar,
Extra Departmental Branch.
Post Master, R/o Borkatte.
Village. Miyar. Karkala,
Dakshina. Kannada Dist — Applicant in A. No 258/86(T)

(7) Srinivasa. T. Naik,
Extra, Departmental
post. Master, R/A Nakre.
Village and post Karkala Taluk.
Dakshina Kannada. District — Applicant in A No 259/86(T)

(8) K. P. Gunapala. Hegde,
Extra Departmental Branch
post Master, R/A Daregudde,
Moodabidri,
Dakshina Kannada District — Applicant in A No 272/86(T)

(9) Abraham D'Souza,
Extra Departmental
Branch, post Master,
Kudri pavu village,
Karkala Taluk, DK. — Applicant in A No 273/86(T)

vs

(1) Superintendent of post Offices, Puttur Division, Dakshina Kannada,

(2) Post Master General
Palace Road
Bangalore. 560001

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

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,
Dakshina Kannada District. .. Applicant in A.250/1986.

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

B.Narasimha, Aged about
50 years, S/o B.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
Karkala Taluk,D.K.District. .. Applicant in A.256/1986.

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

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

ORDER

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 ('EDBPMs') 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 EDBPMs 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

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

To.
Sri.....
.....
.....

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.

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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 EDBPMs 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 EDBPMs in conformity with the Rules stand terminated by the Superintendent without rhyme or reason and in contravention of Article 311(2) of theConstitution. 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 no where 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.

Sd/-
VICE CHAIRMAN

Sd/-
MEMBER

TRUE COPY

21/1/86

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

np/