

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 7-10-87

Application No. 632/87(F)/864)

W.P. No.

Applicant

To

1. Sri Y. S. Gopala Rao,
Apm Avenue Road,
Bangalore - 560002

2. Sri M. Madhusudan,
Advocate,
No. 1074 - 75, BSK I Stage,
Bangalore - 50.

3. Senior Superintendent of
Post Offices,
Bangalore West Division,
Bangalore.

4. Director of Postal Services,
Office of the Post Master General,
Karnataka Circle,
Bangalore.

5. P & T Board,
Member, Administration,
New Delhi.

6. Post Master General,
Karnataka Circle,
Palace Road,
Bangalore - 1.

7. Sri M. Vasudeva Rao,
Advocate,
High Court Building,
Bangalore - 1.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH
IN APPLICATION NO. 632/87(F)

Please find enclosed herewith the copy of the Order/

~~Interim Order~~ passed by this Tribunal in the above said

Application on 28 Sep 87.

Encl: As above.

[Signature]
Deputy Registrar
(Judicial)

RECEIVED 7 copies 8/10/87 Jc.

Diary No. 1270/87

Issued Date: 8.10.87

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 28TH SEPTEMBER, 1987

Present: Hon'ble Shri P. Srinivansan..... Member (A)

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

APPLICATION NO. 632/87(F)

Y.S. GOPALA RAO,
APM - Avenue Road,
Bangalore-560 002.

Applicant

(Shri M. Madhusudan.....Advocate)

1. Senior Superintendent
of Post Offices,
Bangalore West Division,
Bangalore.
2. Director of Postal Services
Office of the Post Master
General, Karnataka Circle,
Bangalore.
3. P&T Board,
Member, Administration,
New Delhi.

Respondents

(Shri M. Vasudeva Rao.....Advocate)

This application has come up for hearing
before this Tribunal to-day, Hon'ble Member (A)
made the following :

O R D E R

The applicant is currently working as
Assistant Post Master (APM) in the P&T Department,
Karnataka. Disciplinary proceedings were
initiated against him when he was working in
the Avenue Road Post Office, the charge levelled
being that certain insured articles received
in that Post Office had been misplaced and
that he had been careless. The proceedings
ended in an order directing the applicant



P. Srinivasan

to pay a sum of Rs.4,000/- being the loss occasioned by his negligence. Thereafter, the applicant became due for crossing Efficiency Bar (EB) with effect from 1.8.1985 but he was not allowed to do so. Against the order stopping him at the EB the applicant made a representation on 6.8.1986. His complaint is that this representation has so far not been disposed of and that he continues to stagnate at the EB. The prayer in this application is that Respondents No.3 be directed to dispose of this representation or allow him to cross EB.

2. Shri M. Madhusudan, learned counsel for the applicant, reiterates that the applicant's representation against the order stopping him at the EB though sent as early as on 6.8.1986 still remains to be disposed of. It is not fair that his representation should remain unattended and he still be stopped at EB.

3. Shri M.V. Rao submits that the applicant's representation dated 6.8.1986 was addressed to the P&T Board, Delhi, while it should have been addressed to the Post Master General (PMG). In November 1986 he had been informing to address a fresh representation to the proper authority but the applicant had not done so. That is why his representation had not been disposed of.

4. We have perused the records of the PMG's office produced by Shri M.V. Rao. It is true that the representation dated 6.8.1986



was addressed by the applicant to the P&T Board. The P&T Board returned it to the PMG along with an endorsement dated 22.8.1986 for information and further necessary action. We are unable to see why the PMG could not at that stage treat it as a representation to him and dispose of it accordingly instead of asking the applicant to make a fresh representation addressed to him. There is no point being hypertechnical when the authority concerned has the representation before it, albeit addressed to a wrong authority, and can consider and dispose of it. Unfortunately the PMG is not shown as a Respondent. However, we would direct Respondent 2 viz. the Director of Postal Services to convey our direction to the PMG to treat the representation dated 6.8.1986 as having been made to him and to dispose of ^{it} with all expedition and in any case not later than three months from the date of receipt of this order.

5. Let a copy of this order be sent to the PMG, Karnataka, for necessary action.

6. In the result the application is allowed. Parties to bear their own costs.



Sd/-
MEMBER (A)

Sd/-
MEMBER (J)

sb.

-True Copy-

[Signature]
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE