

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

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

Dated: 30-10-87

APPLICATION NO 633 /87 (A)

W.P.No. _____

APPLICANT

Vs

RESPONDENTS

Shri M.R. Venkatesha Murthy

The Asst. Supdt of Post Offices, Channapatna
Sub-Divn. & 2 Ors

To

1. Shri M.R. Venkatesha Murthy
Uganavadi P.O.
Devanahalli - 562 110
Bangalore District
2. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Bangalore - 560 050
3. The Assistant Superintendent of
Post Offices
Channapatna Sub-Division
Channapatna
4. The Superintendent of Post Offices
Channapatna Division
Channapatna
5. The Post Master General in Karnataka
Palace Road
Bangalore - 560 001
6. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/3504/

~~INTERIM ORDER~~ passed by this Tribunal in the above said application
on 20-10-87.

RECEIVED (6) 2/11/87

Diary No. 1347/CB/87

Issued Date: 2-11-87

Encl: as above.

SECTION OFFICER
(JUDICIAL)

Received 3 to 5 of
Bk. 2/11/87
ASP. o/o PMA Bk.

6
2/11/87

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 20TH DAY OF OCTOBER, 1987.

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy,

.. Vice-Chairman.

And:

Hon'ble Mr. L.H.A. Rego,

.. Member(A).

APPLICATION NUMBER 633 OF 1987.

M.R. Venkatesha Murthy,
S/o Sri Rama Pandit,
Uganavadi P.O.,
Devanahalli, Bangalore District.

.. Applicant.

(By Sri M.R. Achar, Advocate)

v.

1. The Assistant Superintendent,
of Post Offices,
Channapatna Sub-Division, Channapatna.
2. Superintendent of Post Office,
Channapatna Division,
Channapatna.
3. Post Master General,
in Karnataka, Bangalore.

.. Respondents.

(By Sri M. Vasudeva Rao, Standing Counsel)

This application having come up for hearing this day, Vice-Chairman made the following:

ORDER

In this application made under Section 19 of the Administrative Tribunals Act, 1985 ('the Act') the applicant has challenged order No.B/BPM/728 dated 1-7-1987 of the Superintendent of Post Offices, Channapatna Division, Channapatna ('Superintendent').

2. One Sri M.R. Venkatanarayana Murthy who happens to be the brother of the applicant was working as an Extra-Departmental Branch Post Master ('EDBPM') of Uganavadi Branch Post Office attached to Devanahalli Post Office of Channapatna Division. He



was put off from duty from 10-5-1983 and was later removed from service from 12-3-1986.

3. On 11-3-1983 the Superintendent appointed the applicant as EDBPA of Uganavadi Branch Post Office in place of Venkatanarayana Murthy.

4. In an application made by Venkatanarayana Murthy in A.No. 1333 of 1986 decided on 16-6-1987, this Tribunal directed his reinstatement to service as EDBPA of Uganavadi Branch Post Office. On the terms and conditions set out in that order and to comply with that order the Superintendent by his order dated 1-7-1987 had terminated the services of the applicant from 31-7-1987. Hence, this application.

5. In justification of the order of removal, the respondents have filed their reply and have produced the records.

6. Sri M. Raghavendra Achar, learned counsel for the applicant contends that the removal of his client that had acquired quasi-permanent status under Rule 6 of the Post and Telegraphs Extra-Departmental Agents (Conduct and Service) Rules, 1934 ('Rules') without a show cause notice and an opportunity of hearing was illegal and invalid.

7. Sri M. Vasudevarao, learned Additional Central Government Standing Counsel appearing for the respondents contends that the termination of the applicant was to comply with the order of this Tribunal and the same was legal and valid.

8. The applicant had been appointed in the place of Venkatanarayana Murthy. If that is so, then his continuance was dependent on the non-continuance of Venkatanarayana Murthy. His status was dependent on the status of Venkatanarayana Murthy.



9. In his order the Superintendent had stated that the termination of the applicant was necessitated to give effect to the order of this Tribunal in A.No.1636 of 1936 in which we have set aside the order of removal of M.R.Venkatanarayana Murthy and directed his reinstatement to service from 1-3-1937.

10. We ~~say~~^{need} hardly say that the Superintendent was bound to comply with the order made by this Tribunal in A.No.1636 of 1936. If the Superintendent was bound to comply with the said order, then he was bound to terminate the services of the applicant and reinstate Venkatanarayana Murthy. From this it follows that the termination of the applicant was justified and cannot be interfered with by this Tribunal.

11. But, before parting with this case, we consider it proper to observe that as and when a vacancy arises in Uganaadi or any nearby village and if the applicant is willing to be appointed in another village also his case for appointment has to be considered with sympathy. We have no doubt that the authorities will do so as and when a vacancy arises.

12. In the light of our above discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.



NP/

Sd/-

VICE-CHAIRMAN

Sd/-

MEMBER(A)

20.12.87

- True Copy -

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE