

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

APPLICATION No. 86/87 (F)

(WP. NO. —)

COMMERCIAL COMPLEX, (BDA)  
INDIRANAGAR,  
BANGALORE-560 038.

DATED: 18 Aug '87

APPLICANT

N. E. Kuri

Vs

RESPONDENTS

Sr. Supdt. of Post Offices,  
Gulbarga.

TO

1. Sri N. E. Kuri,  
C/o Sri M. Raghavendra Achar,  
Advocate,  
No. 1044 and 1075,  
Banashankari Ist Stage,  
Greenivasa Nagar II, Phase,  
Bangalore.

4. Sri M. Vasudeva Rao,  
Addl. C. G. S. C.,  
High Court Building,  
Bangalore - 56001.

2. Sri M. Raghavendra Achar,  
Advocate,  
(address as above)

3. Senior Superintendent of Post Offices,  
Gulbarga Division,  
Gulbarga.

SUBJECT: SENDING COPIES OF ORDER PASSED BY THE  
BENCH IN APPLICATION NO. 86/87 (F)

....

Please find enclosed herewith the copy of the Order  
passed by this Tribunal in the above said Application on  
4.8.87.

RECEIVED

18/8/87

File No. 1032/CR/87

Date: 22/8/87

By: [Signature]

ENCL: As above.

DEPUTY REGISTRAR  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT BANGALORE.

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

Hon'ble Mr. L.H.A. Rego, Member (A).

DATED THIS THE SEVENTH DAY OF AUGUST, 1987.

APPLICATION NO. 86 of 1987

N.E. Kuri,  
Ex-Postal Asst.,  
Gulbarga Division.

...Applicant.

(Shri M. Raghavendrachar, Advocate)

vs.

Senior Superintendent of Post Offices,  
Gulbarga Division,  
Gulbarga.

...Respondent.

(Shri M. Vasudeva Rao, Addl. CGSC)

This application having come up for hearing today,  
Hon'ble Vice-Chairman made the following:

O R D E R

This is an application made by the applicant U/s  
19 of the Administrative Tribunals Act, 1985.

2. Prior to 19.11.1981, the applicant was working  
as the Sub-Post Master (SPM) of Nimbal Sub Office,



Gulbarga District. On 19.11.1981, he was detained for a period exceeding 48 hours in connection with a criminal offence alleged to have been committed by him. On that basis, the Senior Superintendent of Post Offices (Superintendent), Gulbarga Division, Gulbarga, by his order dated 14.12.1981 (Annexure-A) declared that the applicant was deemed to be under suspension from 19.11.1981 and shall also remain under suspension till further orders, as required by Rule 10(2) of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 (Rules). On 17.2.1983 (Annexure-C), the Superintendent revoked the same and reinstated the applicant to service. But in a latter disciplinary proceeding instituted against him under the rules, the applicant was dismissed from service from 31.1.1985, which is separately challenged by him before this Tribunal.

3. In this application made on 13.2.1987, the applicant has confined his relief for regulating the period of suspension from 19.11.1981 to 16.2.1983 only. He claims that period was required to be regulated under rule 54 of the Fundamental Rules (FR) and the respondents be directed to examine and decide the same.

4. In their reply, the respondents do not dispute that in the order of dismissal or otherwise, the disciplinary authority (DA) had not made an order regulating the suspension period from 19.11.1981 to 16.2.1983.

5. Shri M. Raghavendrachar, learned counsel for the applicant, contends that when a Government servant was dismissed, removed or retired from service in a disciplinary proceedings<sup>u</sup>, the DA was bound to regulate the period of suspension one way or the other under FR 54.

6. Shri M. Vasudeva Rao, learned counsel for the respondents, contends that the application made before this Tribunal was barred by time and that in any event, this Tribunal should decline to interfere with the action of the DA.

7. In the very nature of things, it is first necessary to examine whether this application is barred by time, or not.

8. We have earlier<sup>noticed</sup> ~~noted~~ that the order of dismissal was made against the applicant on 3.11.1985 and in that order, or any other order thereafter, the DA had not regulated the period of suspension from 14.11.1981 to 16.2.1983 in terms of FR 54. If that is so, then it is not possible to hold that this application, seeking for a direction to the respondents, is barred by time. We find no merit in the preliminary objection raised by Shri Rao, and we reject the same.

9. Whenever an order of dismissal, removal or retirement is made in a disciplinary proceeding, FR 54 enjoins on the DA to regulate the period of suspension in terms of that



/4/

Rule. For reasons that are not very necessary, the DA had not so far done the same. The DA had failed to perform the legal duty enjoined on him by FR 54 and that, on any principle, cannot be ignored. In this view, it is necessary for this Tribunal to direct the authority to do its duty.

10. In the light of our above discussion, we direct the respondent to examine the case of the applicant for regulating the period of his suspension from 19.11.1981 to 16.2.1983 under FR 54 and pass an appropriate order thereon and extend all such financial benefits to which he may be found eligible under that order with all such expedition as is possible in the circumstances and in any event, within a period of 60 days from the date of this order.

11. Application is disposed of in the above terms. But in the circumstances of the case, we direct the parties to bear their own costs.

VICE CHAIRMAN 7/8/81

84-  
MEMBER(A)

Three Copy

B.V. Venkatesh Reddy

DEPUTY REGISTRAR  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE