

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

APPLICATION No. 104/87

(WP.NO.)

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

DATED: 19/6/87

APPLICANT

Vs

RESPONDENTS

Shri K. Shivayya Bhandary

The Sr Supdt of Post Offices, Puttur Divn
and 2 Ors

TO

1. Shri K. Shivayya Bhandary
Kodimbady
Puttur Taluk
Dakshina Kannada District
Pin 574287
2. Shri H.B. Narayana
Advocate
No. 35, Nagaraja Building
1st Cross, 3rd Main Road
Hanumanthanagar
Bangalore - 560 019
3. The Senior Superintendent of Post Offices
Puttur (D.K.) Division
Puttur - 574201

4. The Post Master General
Karnataka Circle (Staff)
Bangalore - 560 001
5. The Director General
Department of Posts
Parliament Street
New Delhi - 110 001
6. Shri M. Vasudeva Rao
Addl Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

SUBJECT: SENDING COPIES OF ORDER PASSED BY THE
BENCH IN APPLICATION NO. 104/87

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

08-6-87.

ENCL: As above.

DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 8TH DAY OF JUNE, 1987.

Present: Hon'ble Shri Justice K.S. Puttaswamy, vice-chairman
and
Hon'ble Shri L.H.A. Rego, Member (A)
APPLICATION NO. 104/87

Shri K. Shivayya Bhandary,
S/o Monku Bhandary,
aged 26 years,
R/o Kodimbady,
Puttur Taluk,
Dakshina Kannada Dist.
Pin.574287.

..... Applicant

(Shri H.B. Narayan, Advocate)

v.

1. Senior Superintendent
of Postoffices,
Puttur (D.K.) Division,
Puttur-574201.
2. The Post Master General,
Karnataka Circle (Staff)
Bangalore-560 001.
3. The Director General,
Department of Posts,
New Delhi.

..... Respondents

(Shri M. Vasudeva Rao, CGASC)

This application having come up for hearing
to day Vice-chairman made the following.

C R D E R

In this application made under section 19 of
the Administrative Tribunals Act 1935 ('the Act')
the applicant has challenged order No.BII/2-6/PTR/86-87
dated 4.12.1986 (Annexure-C) of the Senior Superin-
tendent of Post Offices, Puttur, D.K. Division
(Supdt).



2. At a village called Kodimbady of Puttur Taluk of Dakshina Kannada District, ^{one} P. Sanjeeva Rai governed by the P&T Extra Departmental Staff Service Rules, 1964 ('the Rules') was working as a regular Extra Departmental Sub Post Master (EDSPM). Against that official, the Superintendent initiated disciplinary proceedings under the Rules in 1982 and ultimately by his order made on 24.9.1983 removed him from service. In that vacancy the Superintendent also appointed the applicant as EDSPM on 6.11.1982 from which date he had continued to serve as EDSPM of that village.

3. Shri Sanjeeva Rai challenged his removal before this Tribunal in A.No.474/86, which on 11.8.1986 allowed the same and directed his re-instatement however reserving liberty to the department to hold a fresh inquiry. But the department taking the view that no fresh inquiry was necessary, by its order dated 4.12.1986 (Annexure-C) had terminated the services of the applicant and had reinstated Shri Sanjeeva Rai as the EDSPM of Kodimbady village. Hence this application.

4. Shri H.B. Narayana, learned counsel for the applicant contends that removal of the applicant who had completed more than three years of satisfactory service, was illegal and in any event, the authority should have accommodated the applicant in or nearby place.



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5. Shri M.V. Rao, learned counsel for the respondents sought to support the order of the Superintendent.

6. We have noticed that the applicant had been appointed in the vacancy of Shri Sanjeeva Rai, who was facing a disciplinary proceeding and was ultimately removed from service and that it had become necessary for the department to reinstate the latter to service. If that is so, then the department had no other alternative than to terminate the services of the applicant. We cannot take exception to the same on principle or authority.

7. In the impugned order itself, the Superintendent has very rightly stated, that efforts will be made to offer alternative employment to the applicant if he is willing to accept the same. We find that the applicant had rendered loyal and unblemished service from 6.11.1982. When that is so, it would be in the interest of the department itself to provide alternative employment to the applicant with all such expedition and extend to him all such benefits to which he is entitled under the Rules. We have no doubt that the Superintendent will make every effort to provide alternative employment to the applicant with expedition. But till then also, we cannot interfere with the impugned order.

8. In the light of our above discussion, we hold that this application is liable to be dismissed.

