

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
@@@@@@@@@@@@@@@@

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

Dated : 19-6-87

APPLICATION NO 185 /87(F)

W.P. NO

Applicant

Shri C.K. Mallikarjuna Swamy

The Supdt of Post Offices, Tumkur

To

1. Shri C.K. Mallikarjuna Swamy
Postal Assistant
Tumkur Head Post Office
Tumkur - 572 101
2. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Sreenivasanagar II Phase
Bangalore - 560 050
3. The Superintendent of Post Offices
Tumkur Division
Tumkur - 572102
4. Shri M. Vasudeva Rao
Addl 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/~~STAY~~/
~~XXXXXX ORDER~~ passed by this Tribunal in the above said
application on 12-6-87.

Encl : as above

A. S. Chy
SECTION OFFICER
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL:BANGALORE

DATED THIS THE 12TH DAY OF JUNE,1987.

PRESENT:

Hon'ble Mr.Justice K.S.Puttaswamy, .. Vice-Chairman.
And:
Hon'ble Mr.L.H.A.Rego, .. Member(A).

APPLICATION NUMBER 185 OF 1987.

C.K.Mallikarjuna Swamy,
Postal Assistant,
Tumkur Head Post Office,
572 101. ..Applicant.

(By Sri M.Raghavendrachar,Advocate).
v.

Superintendent of Post Offices,
Tumkur Division,Tumkur 572 102. .. Respondent.
(By Sri M.Vasudeva Rao,Advocate.)

--

This application coming on for hearing this day, Vice-Chairman made the following:

O R D E R

In this application made under Section 19 of the Administrative Tribunals Act,1985 ('the Act') the applicant in challenging Order No. F/Misc/48/82-83 dated 24/29-7-1985 of the Superintendent of Post Offices, Tumkur Division, Tumkur (Superintendent) reducing his pay from Rs.284/- to Rs.260/- in a disciplinary proceeding instituted against him under the Central Civil Services (Classification,Control and Appeal) Rules,1965 ('the Rules') had sought for a direction to dispose of an appeal stated to have been filed by him against the said order.

2. Sri M.Raghavendra Achar, learned counsel for the applicant urges for issue of a direction to the appellate authority to dispose of the appeal filed by the applicant against the order of the Superintendent.



3. Sri M.Vasudeva Rao, learned counsel for the respondent contends that since the applicant had not filed an appeal, a direction for its disposal cannot be issued.

4. While the applicant asserts that he had filed an appeal against the order of the Superintendent and is still pending, the respondent in his reply verified by one Sri N.D.Bhakta, Assistant Post Master General (Staff) had asserted that the applicant had not filed an appeal as stated by him. We must normally accept the responsible statement of Sri Bhakta rather than the interested version of the applicant. We also find no grounds to discard this statement of Sri Bhakta. If that is so, then we must necessarily hold that the applicant had not filed an appeal against the order of the Superintendent.

5. We have also verified the records produced before us. We are satisfied that the applicant had not filed the appeal as alleged by him.

6. When the applicant had not filed an appeal, the question of this Tribunal directing the appellate authority to dispose of his appeal does not arise. We, therefore, decline to issue a direction in that behalf.

7. Sri Achar next contends that the order of punishment imposed by the Superintendent was contrary to Rules, illegal and unjust.

8. Sri Rao contends that the order of punishment imposed was in conformity with the Rules and legal.

9. We have earlier held that against the order of the Superintendent the applicant had not filed an appeal. The order made by the Superintendent was an appealable order. When the applicant had not filed an appeal against the same, within the time permitted by law, we should decline to examine its validity on that short ground only without examining the merits.



10. 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/

SA/-
VICE-CHAIRMAN
12/2/87

Sd/-

MEMBER(A) 12/2/87

-True copy-

P. Chy 12/6/87
SECTION OFFICE
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE