

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
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Commercial Complex(BDA),  
Indiranagar,  
Bangalore - 560 038

Dated : 3-7-87

Application No. 186/87 (F) /88( )

xxx. xx

Applicant

C.K.Mallikarjunaswamy  
To

V/s. Superintendent of Post Offices, Tumkur

1. Shri.C.K.Mallikarjunaswamy,  
Postal Assistant,  
Tumkur Head Post Office,  
Tumkur- 572 101.

4. Shri.M.Vasudeva Rao,  
Central Govt. Standing Counsel,  
High Court Buildings,  
Bangalore- 1.

2. Shri.M.R.Achar,  
Advocate,  
No.1074- 1075, 1st Stage, B.S.K.  
Mysore Bank Colony  
Opp. Raghavendra Nursing Home,  
B'lore- 50.

3. The Superintendent of Post Offices,  
Tumkur Division,  
Tumkur- 572 102.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH IN  
APPLICATION NO. 186/87(F)

Please find enclosed herewith the copy of the Order/~~XXXXXXXXXXXX~~  
passed by this Tribunal in the above said Application on 26-6-87.

Encl : as above.

*For*  
*see*  
DEPUTY REGISTRAR  
SECTION OFFICER  
(JUDICIAL)

o/c.

Balu\*

As per  
6/7/87

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 26TH 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. 186/87

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

.... Applicant

(Shri M.R. Achar, Advocate)

v.

The Superintendent of Post Offices,  
Tumkur Division,  
Tumkur-572 102.

.... Respondent

(Shri M. Vasudeva Rao, CGSC)

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

O R D E R

This is an application made by the applicant under  
Section 19 of the Administrative Tribunals Act, 1985  
(the Act).

2. The applicant is working as Postal Assistant at  
the Bazaar Post Office, Tumkur, which is under the  
jurisdiction of Postal Superintendent., Tumkur (Supdt.).

In a disciplinary proceeding instituted against the  
applicant under the CCS (CC&A) Rules, 1965, (the Rules),  
the Superintendent had appointed one Shri B.M. Hanumantha  
Rao as Inquiry Officer (IO) and one Shri Madhavachar as



the Presenting Officer (PO). In those proceedings pending before the IO, the applicant represented to the Director of Postal Services SK Region, Bangalore (Director) to change the PO and the IO, but the Director by his order dated 13.11.1986 had rejected the same. Hence this application.

3. The applicant in reiterating his case for change of PO and IO had sought for appropriate direction to the respondent, who in justification of the order had filed its reply.

4. Shri M.R. Achar, learned counsel for the applicant contends that everyone of the facts and circumstances pleaded by the applicant justified the Director to change the PO and IO.

5. Shri M. Vasudeva Rao, learned counsel for the Respondent sought to support the order of the Director.

6. In his application, before the Director as also before this Tribunal the applicant had not given any justifiable reasons for the change of the PO and the IO. The applicant had sought for change of the officers without giving reasons in support of the same.

7. After all a person who is facing a disciplinary proceeding, cannot ask for the change of the IO and the PO without justifiable reasons. The one justifiable



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reason which is normally accepted is the personal bias of the officers against the delinquent official. We have not been shown that either of the officers had any personal bias against the applicant. If that is so, then the order of the Director cannot be interfered by us. But this does not mean, that the competent authority cannot change either of them in future on any new circumstances.

8. 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.

*'True Copy'*  
sd \_\_\_\_\_  
Vice-Chairman

sd - - -  
Member (A) 26.6.87

- True Copy -

bsv/Mrv.

*Haci*  
SECTION OFFICER 3/7  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE