

Encl : As above

BANGALORE

Present:

Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman  
and  
Hon'ble Shri L.M.A. Rego, Member (A)

Shri Rangaramaiah,  
s/o Bettaiah,  
45 years,  
At P.O. Nonavinakere,  
Tiptur Taluk.

(Shri M.R. Achar, Advocate)

V.

1. Superintendent of  
Post Offices,  
Tumkur Division,  
Tumkur.

2. Director of Postal Services, (SK), Karnataka Circle, Bangalore.

(Shri M.S. Padmarajaiah, C.G.S.S.C.)

O R D E R

2. In a disciplinary proceedings instituted against the applicant under the Central Civil Services (Classification, Control and Appeal) Rules, 1965 ('Rules') the Superintendent of Post Offices, Tumkur ('Superintendent') by his order No.F4-1/84-85 dated 30th/31st July, 1985 ('Annexure-A') imposed on him the penalty of removal from service. Aggrieved by this order, the applicant filed an appeal before the Director of Postal Services, Bangalore ('Director') the appellate

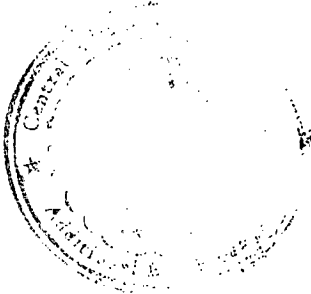
authority under the Rules who by his order No.STA/9-3/3/86 dated 26.2.1986 ~~has~~ dismissed the same. Aggrieved by them the applicant has presented this application on 21.7.1987.

3. In making this application, there is a delay of 144 days. In I.A. No.1, the applicant had sought for condoning that delay which is opposed by the respondents.

4. Shri M.R. Achar, learned counsel for the applicant, contends that all facts and circumstances narrated in I.A. No.1, in particular the illness of the applicant established by the medical certificate produced constitute a sufficient ground for condoning the delay of 144 days and the same be condoned and the application admitted.

5. Shri M.S. Padmarajaiah, learned Counsel for the respondents, contends that all the facts and circumstances averred in I.A.No.1 which are very general and vague do not constitute a sufficient ground for condoning the delay.

6. We have carefully examined the averments made by the applicant in I.A. No.1 and the medical certificate issued by one Dr. R.K. Moorthy. We are of the view that the averments made by the applicant are very general and vague and they cannot constitute a sufficient ground for condoning the delay of 144 days. We are of the view that the medical certificate issued by Dr. Moorthy on which we have our own doubt, even if accepted as correct, does not in any way advance the case of the applicant. We accordingly hold that what had been averred does not constitute a sufficient ground for condoning the delay of 144 days and therefore I.A. No.1 is liable to be rejected. With this, the question of examining the merits does not arise. But out of deference to Sri Achar, we have examined the merits also.



7. We are also of the view that the impugned orders based on evidence do not suffer from any infirmity to justify our interference under the Act.

8. On the foregoing discussion, we reject I.A. No.1 and the application. But in the circumstances of the case, we direct the parties to bear their own costs.

Sd/-  
Vice-Chairman

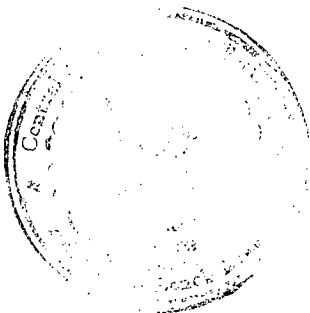
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Sd/-

Member (A) 11.1.88

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bsv/Mrv.



*[Signature]*  
DEPUTY REGISTRAR (JDL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE