CENTRAL ADMINISTRATIVE TRIBUNAL BANGALORE BENCH

Commercial Complex(BDA) Indiranagar Bangalore - 560 038

Dated : 18-1-88

APPLICATION NO	725 / 87(F)	
W.P. NO.		

Applicant

Shri Rangaramaiah

V/s

Respondent

The Supdt of Post Offices, Tumkur & another

To

- Shri Rangaramaiah S/o Shri Bettaiah At & P.O. Nonavinakers Tiptur Taluk Tumkur District
- Shri M. Raghavendra Achar Advocate 1074-1075. Banashankari I Stage Bangalore - 560 050
- The Superintendent of Post Offices 3. Tumkur Division Tumkur
- The Director of Postal Services (SK) Karnataka Circle Bangalore - 560 001
- Shri M.S. Padmarajaiah Central Govt. Stng Counsel High Court Building Bangalore - 560 001

RECEIVED Benil 19/1/88

Diary No. 162+ 1cols J. Dute: 19-1-88

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/SEARS/INVERIENCE passed by this Tribunal in the above said application on

Encl: As above

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 11TH DAY OF JANUARY, 1988

Present:

↑ Hon'ble Shri Justice K.S. Puttaswamy, Vice—Chairman
and
↑ Hon'ble Shri L.M.A. R ego, Member (A)

APPLICATION NO. 725/1987

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

Applicant

(Shri M.R. Achar, Advocate)

V.

- Superintendent of Post Offices, Tumkur Division, Tumkur.
- 2. Director of Postal Services, (SK), Karnataka Circle, Bangalore.

Respondents

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

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

DRDER

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

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 ('Cirector') the appellate



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

- 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.
- 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.



- 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.
- 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.

Vice-Chairman

True Copy-

bsv/Mrv.