

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 24 JUN 1988

APPLICATION NO.

843

/ 87(F)

W.P. NO.

Applicant(s)

Shri S.C. Bhat
To

Respondent(s)

V/s The Supdt. of Post Offices, Karwar & 2 Ors

1. Shri S.C. Bhat
C/o Shri M. Madhusudan
Advocate
1074-1075, Banashankari I Stage
Sreenivasa Nagar II Phase
Bangalore - 560 050
2. Shri M. Madhusudan
Advocate
1074-1075, Banashankari I Stage
Sreenivasa Nagar II Phase
Bangalore - 560 050
3. The Superintendent of Post Offices
Karwar Division
Karwar - 581 301
4. The Director of Postal Services
North Karnataka Region
Dharwad - 580 001
5. The Post Master General
Karnataka Circle
Bangalore - 560 001
6. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~ORDER/EXAMINER'S COPY~~ passed by this Tribunal in the above said application(s) on 20-6-88.

Encl : As above

9c

DEPUTY REGISTRAR
(JUDICIAL)

Prakash Rao

CENTRAL ADMINISTRATIVE TRIBUNAL:BANGALORE

DATED THIS THE 20TH DAY OF JUNE,1988

PRESENT:

Hon'ble Mr.Justice K.S.Puttaswamy,

.. Vice-Chairman.

And:

Hon'ble Mr.L.H.A.Rego,

.. Member(A).

APPLICATION NUMBER 843 OF 1987

S.C.Bhat,
S/o C.Bhat,
Major, Ex-EDSPM,
Navilagon, Karwar Division,
Karwar.

.. Applicant.

(By Sri M.Madhusudan,Advocate)

v.

1. The Superintendent of Post Offices,
Karwar Division, Karwar.
2. The Director of Postal Services,
N.K.Region, Dharwad.
3. The Post Master General,
Karnataka Circle, Bangalore.

.. Respondents.

(By Sri M.S.Padmarajaiah,Standing Counsel)

This application having come up 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 has challenged order No.STA/9-4/949/86 dated 16-2-1987 (Annexure-C) of the Post Master General, Karnataka Circle, Bangalore ('PMG'), order No.NKR/STA/9/SCB dated 28-4-1986 (Annexure-B) of the Director of Postal Services, N.K.Region, Dharwad ('Director') and order No.F6/01/84-85 dated 31-12-1985 (Annexure-A) of the Superintendent of Post Office, Karwar Division, Karwar ('Superintendent').

2. At the material time, the applicant was working as an Extra Departmental Agent within the meaning of that term occurring in Rule 2(b) of the Posts and Telegraphs Extra Departmental Agents (Conduct

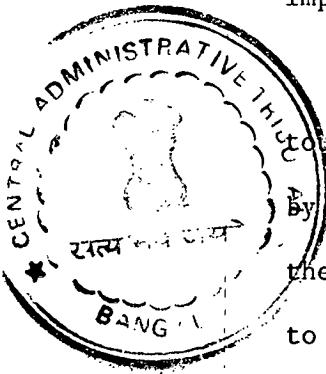
and Service) Rules, 1964 ('the Rules') at Navilagon Branch Post Office of Uttara District. In a disciplinary proceeding instituted against him under the Rules for the alleged omissions and commissions in the discharge of his duties, the Superintendent by his order dated 31-12-1985 (Annexure-A) inflicted on the applicant the penalty of removal from service. Aggrieved by the said order, the applicant filed an appeal before the Director who by his order dated 28-4-1986 (Annexure-B) dismissed the same. Aggrieved by these orders, the applicant filed a review petition before the PMG who by his order dated 16-2-1987 dismissed the same. Hence, this application.

3. In justification of the impugned orders, the respondents have filed their reply and have produced their records.

4. Sri M. Madhusudan, learned counsel for the applicant contends that the orders of the Director and the PMG were not speaking orders and were illegal. In support of his contention Sri Madhusudan strongly relies on the ruling of the Supreme Court in RAMCHANDER v. UNION OF INDIA (AIR 1986 SC 1173).

5. Sri M.S. Padmarajaiah, learned Senior Central Government Standing Counsel appearing for the respondents sought to support the impugned orders.

6. In his appeal, the applicant has urged large number of grounds touching on questions of law and fact as justifying the interference by the Director. But, the Director without examining any one of them with the seriousness that is required in such cases, has jumped to his conclusions. The conclusions reached by the Director are not supported by reasons. When the order of the Director is examined in the light of the principles enunciated by the Supreme Court in Ramchander's case, it is clear that the said order is not a speaking order and is liable to be interfered with by us.



7. What is true of the order of the Director is also true of the order of the PMG. In this view, the order of the PMG also is liable to be interfered with by us.

8. What emerges from our above discussion is that the orders made by the PM and the Director are illegal and are liable to be interfered with by us. If that is so, the proper course for us is to set aside those orders and direct the Director to restore the appeal filed by the applicant to its original file and dispose of the same in accordance with law without examining the merits of the contentions urged against the order of the Superintendent.

9. In the light of our above discussion, we allow this application in part, quash the orders of the PMG and the Director (Annexures C and B) and direct the Director, respondent-2 to restore the appeal filed by the applicant to its original file and dispose of the same in accordance with law, the observations made by the Supreme Court in Ramchander's case and this order with all such expedition as is possible in the circumstances of the case.

10. Application is disposed of in the above terms. But, in the circumstances of the case, we direct the parties to bear their own costs.



Sd/-
VICE-CHAIRMAN
20/6/1988

TRUE COPY

Sd/-
MEMBER(A)
20.6.88

Ramchander
DEPUTY VICE-CHAIR (JD)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE
20/6/1988