

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 17 MAR 1988

APPLICATION NO 1030 / 87(F)
W.P. NO. _____

Applicant

Shri Hallerao Seetharamarao Kulkarni V/s
To

Respondent

The Sr Supdt of Post Offices, Gulbarga
& another

1. Shri Hallerao Seetharamarao Kulkarni
At & PO : Malla (B)
Shorapur Taluk
Gulbarga District
2. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Bangalore - 560 050
3. The Senior Superintendent of Post Offices
Gulbarga Division
Gulbarga
4. The Director of Postal Services
North Karnataka Region
Dharwar
5. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

18.3.88
Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER ~~SPM/INTERIM ORDER~~
passed by this Tribunal in the above said application on 10-3-88.

[Signature]
DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

[Signature]

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE TENTH DAY OF MARCH, 1988

Present : Hon'ble Sri P.Srinivasan Member (A)

Hon'ble Sri Ch.Ramakrishna Rao Member (J)

APPLICATION No. 1030/87.

Hallerao, Seetharamarao Kulkarni,
Post : Malla(B),
Shorapur Taluk,
Bulbarga District. ...

Applicant

(Sri M.Raghavendrachar ... Advocate)

vs.

1. Senior Superintendent of Post Offices,
Gulbarga Division, Gulbarga.

2. The Director of Postal Services,
N.k.Region, Dharwar. ...

Respondents

(Sri M.Vasudeva Rao ... Advocate)

This application has come up before the court today.

Hon'ble Sri Ch.Ramakrishna Rao, Member (J) made the following :

ORDER

In this application filed U/s 19 of the A.T.Act, 1985, the applicant complains that the respondents have wrongly held him guilty of non-payment of Money Orders(MOs) which it was his duty to disburse to the payees.

2. The applicant was a postman at the material time. When the matter came up for hearing, Sri M.Raghavendrachar, learned counsel for the applicant, urged that the appellate authority(AA) had not considered the applicant's plea about the quantum of penalty, and had not applied his mind to this aspect of the matter while confirming the order of the disciplinary authority(DA). He submits further that the applicant having fully repaid the amounts of the MOs, for the non-payment of which he was charged, a lenient view should have been taken. He also urges that in terms of the decision of the Supreme Court in RAMCHANDRA v. UNION OF INDIA (AIR 1986 SC 1173), the AA was under an obligation to write a speaking order as to how the penalty imposed by the DA was justified and also give



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the applicant a personal hearing before doing so.

3. Sri M.Vasudeva Rao, learned counsel for the respondents, contends that the AA had considered the applicant's grievance against the quantum of penalty, and it was only after such consideration that he confirmed the order of the DA.

4. We have considered the rival contentions carefully. There is some substance in the contention of Sri Achar that the applicant's objection to the quantum of penalty has not been considered in depth by the AA. We refrain from expressing any opinion as to whether the repayment of the amount of MOs by the applicant should effect the quantum of penalty imposable. But the AA makes no mention of this at all in his order. Since the disciplinary proceedings were initiated quite recently, ie., on 16.3.1987, the interests of neither party would be affected if the matter is referred back to the AA for rendering a reasoned judgement on the quantum of penalty, the holding of guilt no longer being in dispute.

5. We, therefore, set aside the order of the AA dated 7.9.1987 (Annexure-C to the application), in so far as it relates to the quantum of punishment imposed on the applicant, and direct him to rehear the appeal on the question of penalty imposed, giving an opportunity to the applicant to be heard, and pass a speaking order.

6. In the result, the application is disposed of on the above terms. Parties to bear their own costs.

TRUE COPY


Sd/-

MEMBER (A)

Sd/-

MEMBER (J)

10/2/88


an
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE