

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 15-2-88

APPLICATION NO

995

/ 87(F)

W.P. NO.

Applicant

Shri Krishnappa

To

Respondent

v/s

The Supdt of Post Offices, Channapatna & 2 Ora

1. Shri Krishnappa
C/o Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Bangalore - 560 050
2. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Bangalore - 560 050
3. The Superintendent of Post Offices
Channapatna Division
Channapatna - 571 501
4. The Director of Postal Service(HB)
Karnataka Circle
Bangalore - 560 001
5. The Post Master General
Karnataka Circle
Bangalore - 560 001
6. Shri M. Vasudeva Rao
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/~~STAY/INTERIM ORDER~~
passed by this Tribunal in the above said application on 5-2-88.

RECEIVED 6 copies 16/2/88

Diary No. 1718 LCD 88

Date: 16.2.88 AM

Encl : As above

For Unbundled
DEPUTY REGISTRAR
(JUDICIAL)

*O/C Received two copies
on. or a.m.*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 5th DAY OF FEBRUARY, 1988.

Present : Hon'ble Justice Sri K.S.Puttaswamy

VICE-CHAIRMAN

Hon'ble Sri P.Srinivasan

Member (A)

APPLICATION No.995/87.

Krishnappa,
Malur Post, Kudulur Post,
Chennapatna

...

Applicant

(Sri M.R.Achar

... Advocate)

vs.

1. The Superintendent of Post Office, Chennapatna Division, Chennapatna.
2. The Director of Postal Service (HB), Karnataka Cle, Bangalore.
3. Post Master General, Karnataka General, Bangalore.

...

Respondents

(Sri M.V.Rao

... Advocate)

This application has come up before the Tribunal today.

Hon'ble P.Srinivasan, Member (A) made the following :

ORDER

The applicant, who was appointed as Extra-Departmental Chowkidar in the Divisional Office of the Postal Department at Chennapatna, was served with a notice of initiation of disciplinary proceedings for unauthorised absence from 1.1.1986 to 26.5.1986. He admitted his guilt and in view of this admission of guilt, the disciplinary authority ('DA') straight away passed an order dated 5.6.1986 removing the applicant from service. The applicant filed an appeal to the Director of Postal Services, who rejected the same by order dated 1.9.1986. Review petition was also rejected by order dated 26.8.1987. Hence this application.



2. When the matter came up for hearing today, Sri M. Raghavendrachar, learned counsel for the applicant, submitted that the applicant was obliged to be absent, because of illness and he had produced a medical certificate in support of this statement. He had pleaded guilty in the proceedings not entirely of his volition but because he was told that he would be treated sympathetically. Therefore, Sri Achar pleaded that the order imposing penalty and all subsequent orders should be cancelled.

3. Sri M. Vasudeva Rao, learned counsel for respondents, strongly refuted the contentions of Sri Achar, and submitted that since the applicant had clearly pleaded guilty, this Tribunal should not interfere with the orders of the DA, the Appellate Authority, and the revisionary authority.

4. After considering the rival contentions carefully, we are of the view that this application deserves to be dismissed. The fact that the applicant pleaded guilty cannot be overlooked and his statement that he did so ~~not~~ ^H entirely of his volition cannot be accepted. If a chowkidar remains absent for five months, that would endanger the security of the office in which he works and such a person certainly cannot be continued in service. We, therefore, confirm the order imposing penalty as well as the orders on appeal and revision.



5. Before parting with this application, we would like to make an observation. The charge against the applicant was one of unauthorised absence. He states that he was ill and underwent treatment. He may be right or wrong. But since he was absent for so long, we have necessarily to uphold the punishment imposed on him. We must, at the same time, notice

P. J. K.

that there is no moral turpitude involved. We would ~~also~~ therefore like to make it clear that this decision of ours should not be a bar for the respondents to consider the applicant for any fresh appointment as Chowkidar, if any vacancy of such a post arises in the near future.

6. Application is dismissed. Parties to bear their own costs.

Sd/-
VICE-CHAIRMAN
5/2/88

Sd/-
MEMBER (A) 5/2/88

TRUE COPY

By
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL 15/2
BANGALORE

