

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
.....

Commercial Complex(BDA),  
Indiranagar,  
Bangalore- 560 038.

Dated: **13 JUL 1988**

APPLICATION NO 1093 /87 (F)

W.P.No. \_\_\_\_\_

APPLICANT

Vs

RESPONDENTS

**Shri Rachappa**

**The Senior Supdt. of Post Offices, Gulbarga  
& 2 Ors**

To

1. **Shri Rachappa**  
C/o Shri M. Raghavendra Achar  
Advocate  
1074-1075, Banashankari I Stage  
Bangalore - 560 050
2. **Shri M. Madhusudan**  
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  
Dharwad**
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/~~XXXX~~/

~~IN THE ORDER~~ passed by this Tribunal in the above said application

on 5-7-88.

*Yaswanth*  
*K. R. R. M.*  
*14-7-88*  
Encl: as above.

*for*  
*[Signature]*  
**DEPUTY REGISTRAR  
(JUDICIAL)**  
*d/c.*

CENTRAL ADMINISTRATIVE TRIBUNAL, BANGALORE.

DATED THIS THE 5TH DAY OF JULY, 1988.

Present: Hon'ble Shri Justice K.S. Puttaswamy,  
and

Vice-Chairman

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

Member (A)

APPLICATION NO. 1093/1987

Shri Rachappa,

Major, EDSPM, Murki(Put off),  
Bidar District, Bidar.

Applicant.

(Shri M. Raghavendrachar, Advocate)

v.

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

2. The Director of Postal  
Services, North Kanara-  
Region, Dharwad.

3. The Post Master General,  
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:

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. NKR/STA/9-  
R dated 29.4.1986 (Annexure-E) of the Director of  
Postal Services, N.K. Region, Dharwad (Director)  
and order No.F.4/Misc/85-86 dated 11.11.1985 of the



Senior Superintendent of Post Offices, Gulbarga Division/Disciplinary Authority ('DA').

2. At the material time, the applicant was working as an Extra Departmental Sub-Post Master (EDSPM) at Murki village of Bidar Division governed by the Post and Telegraphs Extra Departmental Agents (Conduct and Service) Rules, 1964 ('the Rules'). In the performance of the duties of the applicant, the DA noticed various omissions and commissions and, therefore, initiated disciplinary proceedings against him under the Rules on the following two charges:

Article-I:- That the said Sri Rachappa while functioning as EDSPM, Murki during September, 1984 did not account for Rs.10.50 towards the telegraph charges vice NR-48 receipt No.2516 dated 10.9.1984 and thereby failed to maintain absolute integrity and devotion to duty as enjoined under Rule 17 of P&T E.D. Agents (Conduct and Services) Rules, 1964.



Article-II:- That the said Shri Rachappa while functioning as EDSPM, Murki, during October, 1984 did not account for Rs.50.25 entered in RD PB No.5102054 on 18.10.1984 and thereby failed to maintain absolute integrity and devotion to duty as enjoined under Rule 17 of the P&T E.D. Agents (Conduct and Service) Rules, 1964.

In answer to this, the applicant filed his statement of defence (WS) denying the charges. On this, the DA appointed one Sri Sathyanarayanan, ASP (Head-quarters) Bidar as the Inquiry Officer, who held

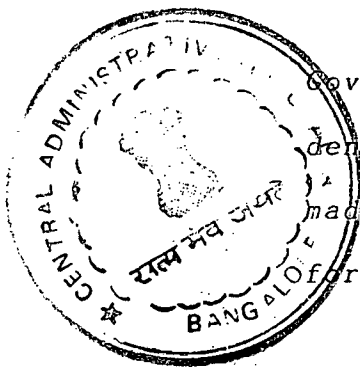
a regular inquiry and submitted his report to the DA holding that the applicant was guilty of the charges levelled against him. On an examination of the charge memo, reply and the findings of the Inquiry Officer, the DA by his order dated 11.11.1985 inflicted the penalty of removal from service. Aggrieved by this order, the applicant filed an appeal before the Director who by his order dated 29.4.1986 (Annexure-B) had dismissed the same. Hence this application.

3. In making this application under the Act, there is a delay of 223 days. In I.A.Nos.I & II (I.A. No.1) the applicant has sought for condoning that delay, which is opposed by the respondents.

4. Sri M. Madhusudan, learned counsel for the applicant contends that all the facts and circumstances averred in I.A.No.1 constitute a sufficient ground for condoning the delay.

5. Sri M.S. Padmarajaiah, learned Senior Central Government Standing Counsel appearing for the respondents contends that the vague and general allegations made in I.A.No.I do not constitute sufficient ground for condoning the delay.

6. In I.A. No.I and II which have to be treated as really one application, the applicant has given two reasons viz., (1) that he had entrusted the papers to his defence assistant to file the application and that he did not do so well in time and (2) that



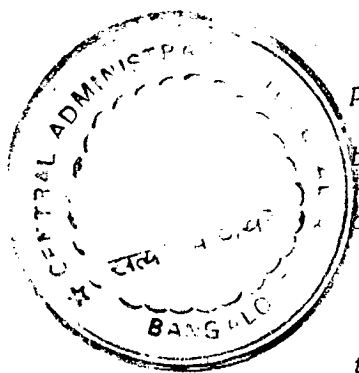
his economic conditions prevented him from making the application well in time. In their objections, the respondents have disputed both these assertions.

7. We are of the view that both the grounds urged by the applicant are extremely vague and general and do not constitute a sufficient ground for condoning the delay excluding the liberal period of one year for filing an application under the Act. We are, of the view that the applicant had not made out a sufficient cause for condoning the delay. If that is so, then we must reject the applications (I.A.Nos.I and II) and consequently the main application without examining the merits.

8. But, Sri Madhusudan very passionately contends that the applicant had completed more than 30 years of loyal and unblemished service in the department and, therefore, it is a fit case in which this Tribunal should come to his succour atleast in the payment of gratuity amount due to him for his previous service

9. Sri Padmarajaiah vehemently opposes the payment of any gratuity to the applicant who has been rightly removed from service for serious misdemeanour.

10. We have earlier not taken exception to the impugned orders on the ground that the application made by the applicant was barred by time and therefore no sufficient ground to condone the delay. We, have, therefore not really examined the merits of the case. On this view, we do not propose to address ourselves to the merits of the orders made against the applicant.



11. The assertion of the applicant that he had rendered more than 30 years of unblemished service before he came to adverse notice in certain matters is not disputed by the respondents. The applicant is in an advanced age and is now 63 years. With due regard to all these facts, we are of the view that not withstanding the fact that we have declined to interfere with the impugned orders, this is a fit case in which we should direct the respondents to make payment of the ex-gratia or gratuity amount admissible to the applicant for his previous service and such a direction is in the interests of justice and equity also.

1. We reject I.A.Nos.I and II and consequently reject the main application.
2. But, notwithstanding our dismissal of I.As I and II and the main application, we direct the respondents to make payment of ex-gratia ~~or~~ gratuity amount admissible to the applicant for the service rendered by him as if he had retired from service in the ordinary course for purposes of gratuity only with all such expedition as is possible in the circumstances of the case and in any event within a period of 3 months from the date of receipt of this order.



TRUE COPY

13. 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

sd/-

MEMBER (A)

5-7-88

*[Signature]* 13/7/88  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

np/Mrv.