

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 23 MAR 1989

APPLICATION NO (S) 1151 /88(F)

W.P. NO (S) _____

Applicant (s)

Respondent (s)

Shri B.K. Allebaksha

V/s The Senior Supdt. of Post Offices, Chickmagalur,
& another

To

1. Shri B.K. Allebaksha
Ex-Brench Post Master
Kadurhally Post
Kadur Taluk
Chickmagalur District
2. Shri M. Madhusudan
Advocate
1074-1075, Bahashankari I Stage
Sreenivasanagar II Phase
Bangalore - 560 050
3. The Senior Superintendent of
Post Offices
Chickmagalur Division
Chickmagalur

4. The Director of Postal Services
S.K. Region
Office of the Post Master General
Karnataka Circle
Bangalore - 560 001
5. 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 a copy of ORDER/~~STAY~~/~~INTERIM ORDER~~
passed by this Tribunal in the above said application(s) on 17-3-89.

Encl : As above

RA. Venkatesh Rao
DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE.

DATED THIS THE SEVENTEENTH DAY OF MARCH 1989.

Present: Hon'ble Shri JUSTICE K.S.PUTTASWAMY .. VICE CHAIRMAN

Hon'ble Shri L.H.A.REGO .. MEMBER(A)

APPLICATION No. 1151/88(F)

B.K.Allabaksha,
Ex-B.P.M.,
Kadurhalli Post,
Kadur Taluk,
Chickmagalur Dist.

.. Applicant.

(Shri M.Madhusudan .. Advocate)

1.Senior Superintendent of
Post Offices,
Chickmagalur Divn.,
Chickmagalur.

2.Director of Postal Services,
S.K. Region,
Bangalore.

.. Respondents.

(Shri M.Vasudeva Rao .. Advocate)

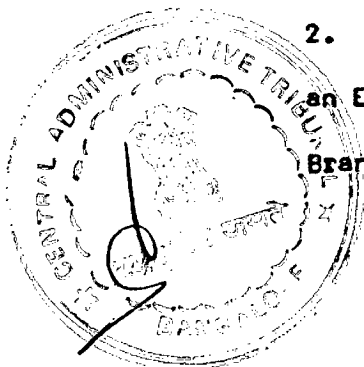
This application has come up today before this
Tribunal for Orders. Hon'ble Vice Chairman made the following:

ORDER

In this application made under Section 19 of the
Administrative Tribunals Act, 1985 the applicant has challenged
order No.STA/9-3/17/88 dated 28.4.1988(Annexure-C) of the Director
of Postal Services Bangalore and Appellate Authority('AA') and
order No.F6-3/86-87 dated 31.8.1987(Annexure-A) of the Superintendent
of Post Offices Chikmagalur and Disciplinary Authority('DA').

2. At the material time, the applicant was working as
an Extra Departmental Branch Post Office ('EDBPM') of Kadurhalli
Branch Post Office, Kadur, Chikmagalur District. On noticing various

..2/-



omissions and commissions in the discharge of his duties, the DA initiated disciplinary proceedings against the applicant under Rule 8 of the Posts and Telegraphs Extra Departmental Agents (Conduct and Service) Rules, 1964(Rules) on 5 charges appended to his charge memo. On receipt of the charge memo, the applicant filed his statement denying the charges levelled against him. On that, the DA appointed one Sh. Hanumantha Rao, Assistant Superintendent of Post Offices(Regular) as the Inquiry Officer('IO') to inquire into the truth or otherwise of the charges and submit his report. On that the IO held a regular inquiry and submitted his report in due ~~course~~ ^{& course} holding the applicant guilty of all the 5 charges levelled against him.

3. On an examination of the report of the IO and the evidence on record, the DA concurring with the findings of the IO by his order dated 31.8.1987(Annexure A) inflicted on the applicant, the penalty of removal from service. Against the said order, the applicant filed an appeal before the AA who by her order dated 28.4.1988 had dismissed the same. Hence, this application.

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

5. Sh. M. Raghavendrachar, learned counsel for the applicant contends that the findings recorded by the IO with which the DA and the AA had concurred were based on 'no evidence' or were such that no reasonable man would have reached them and were perverse.

6. Sh. M. Vasudeva Rao, learned Additional Central Government Standing Counsel appearing for the respondents sought to support the impugned orders.

7. We have carefully perused the report of the IO with which the AA and the DA have concurred and the material evidence placed before the IO. On such an examination, we find it is impossible to hold that the findings of the authorities are based 'no evidence'.

8. Every one of the authorities had properly appreciated the evidence placed and have come to their conclusions. We cannot say that those conclusions are such that no reasonable man would have ever reached them at all.

9. In more than one case, we have expressed that this Tribunal cannot reappreciate the evidence on record and come to a different conclusion as if it is a Court of appeal. On this conclusion, it follows that we cannot upset the concurrent findings recorded by the authorities.

10. On the foregoing discussion, we hold that the challenge of the applicant to his guilt is without any merit.

11. Sh.Achar next contends that the punishment of removal imposed on the applicant was too severe and calls for substantial reduction.

12. Sh.Rao opposes any interference on the punishment imposed against the applicant.

13. Both the authorities have concurrently found that the nature of charges levelled against the applicant justify his removal. On the quantum of punishment, we should be slow to interfere with the discretion exercised by the authorities. We do not find any justifiable grounds to interfere with the discretion exercised by the authorities, on the punishment imposed against the applicant.

14. Sh.Achar lastly urges that we should issue a direction to the respondents to provide the applicant a fresh appointment in a nearby place.

15. Sh.Rao opposes the direction sought for by the applicant.

16. An order of removal does not bar a fresh appointment. As and when there is a vacancy, it is undoubtedly open to the applicant to move the authorities for a fresh appointment which we

have no doubt will be considered by the concerned authority on its own merits. But, before that, we do not consider it proper to issue any direction to the respondents.

17. In the light of our above discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.




Sd _____

VICECHAIRMAN 1/1/1

Sd/-

MEMBER(A) 1/12.3.487,

TRUE COPY


DEPUTY REGISTRAR (JDL-2139)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE