

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 3 APR 1989

APPLICATION NO (x) 1780 / 88(F)

W.P. NO (s) _____

Applicant (x)

Shri Mahadevaiah
To

1. Shri Mahadevaiah
C/o Shri Channappa
45 A/2, 2nd Cross
3rd Main Road
Prakashnagar
Bangalore - 560 021

2. Shri M. Raghavendra Achar
Advocate
1074-1075, 4th Cross
Banashankari I Stage
Sreenivasanagar II Phase
Bangalore - 560 050

3. The Sub-Divisional Inspector
Kanakapura Postal Sub-Division
Kanakapura - 562 117

4. The Post Master General
Karnataka Circle
Bangalore - 560 001

Respondent (s)

v/s The Sub-Divisional Inspector,
Kanakapura Postal Sub-Division,
Kanakapura & another

5. The Director of Postal Services
South Karnataka Region
Office of the Post Master General
Karnataka Circle
Bangalore - 560 001
6. Shri K.P. Channamalasetty
S.D.D.A.
C/o Branch Post Master
Kolagondanahalli B.O.
A/W Kodihalli - 562 119
7. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

RECORDED BY : *[Signature]*

RECORDED ON : *[Signature]*

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER ~~ORDER/INTERROGATORIES~~
passed by this Tribunal in the above said application(x) on 28-3-89.

*Passed 1/1/1989
3-4-89*

3/2

R. Venkateshwar
DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE 28TH DAY OF MARCH, 1989

PRESENT: HON'BLE SHRI JUSTICE K.S.PUTTASWAMY...VICE-CHAIRMAN
HON'BLE SHRI P. SRINIVASAN ...MEMBER (A)

APPLICATION NO. 1780/88(F)

1. Sri Mahadevaiah,
Major, EDDA,
Kolagondanhalli B.O.,
a/w, Kodihalli S.O.

...APPLICANT

(Shri M.R. Achar.....Advocate)

Vs.

1. The Sub-Division Inspector,
Kanakapura Sub-Division,
Kanakapura-562 117.

2. Sri K.P. Channamalasetty,
Major, E.D.D.A.,
C/o. BPM, Kolagondanhalli BO,
a/w. Kodiahalli.

...RESPONDENTS

(Shri M.Vasudeva Rao.....Advocate for R-1)

This application having come up
for hearing before this Tribunal to-day, Hon'ble
Shri P. Srinivasan, Member (A), made the following:

O R D E R

In this application, the applicant
has challenged order dated 10.10.1988 (Annexure A)
by the Sub Division Inspector, Kanakapura Sub
Division of the Postal Department in Karnataka



P. S. S.

(R-1) by which the services of the applicant as Extra Departmental Delivery Agent (EDDA) were terminated.

2. Shri M.R. Achar, learned counsel for the applicant, and Shri M.Vasudeva Rao, learned counsel for respondent-1 have been heard. R-2 who has been served has furnished a written reply, but has not appeared before us.

3. R-2 Shri K.P. Channamalasetty was working as EDDA Kolagondanahalli, from 31.3.1980. Subsequently, he absented himself from duty for over two years from 2.11.1985. In his absence, the applicant was appointed to that post with effect from 2.11.1985 on a temporary and provisional basis. Disciplinary proceedings were initiated against R-2 for unauthorised absence, but these proceedings were concluded by order dated 10.10.1988 by which he was reinstated in service as EDDA Kolagondanahalli with immediate effect. Since he was reinstated in that post, the applicant, who was holding that post provisionally had to be relieved of that post and hence the impugned order terminating his services was passed.

4. As the statement of facts set out above would show, the termination

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of the services of the applicant was a sequel to the reinstatement of R-2 as a result of disciplinary proceedings initiated against him. That order reinstating R-2 has now become final. The applicant was holding the post only on a provisional basis. We, therefore, find nothing wrong in the applicant's services being terminated to accommodate R-2 who held that post earlier.

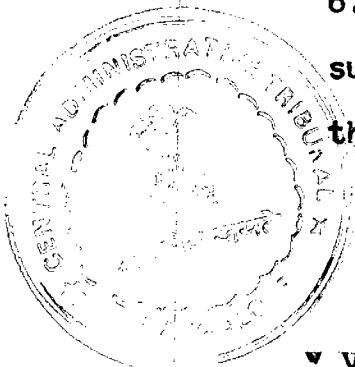
5. Having said so much, we would like to point out that the applicant had actually worked as EDDA from November 1985 to October 1988 for nearly three years and his services had to be terminated for no fault of his, even ^{though} that was done within the relevant rules. In view of this, we would strongly recommend to the Postal Department that the applicant be considered for appointment as EDDA in any vacancy that may now exist or may arise in the future. Shri Achar states that the applicant is willing to accept any such post in Chennapatna or Bangalore Divisions of the Postal Department. We hope the authorities concerned, the Post Master General (PMG) or the Director of Postal Services (DPS), as the case may be, will give the matter the most sympathetic consideration and accommodate him in any



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extra departmental post in Bangalore or Chenna-patna Divisions for which the applicant may be eligible. Copies of this order may also be issued to the P.M.G., Bangalore and the D.P.S., South Karnataka region, Bangalore to enable them to do so.

6. The application is dismissed subject to the observations made above, leaving the parties to bear their own costs.



Sd/-

(VICE-CHAIRMAN)

Sd/-

(MEMBER)(A)

SB.

TRUE COPY

P. B. Venkatesh
DEPUTY REGISTRAR (JDL) *3/3*
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE