

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Bangalore - 560 038

Dated : 19 APR 1988

304

88(F)

Respondent

Applicant

v/8

Respondent
The Director of Postal Services, Bangalore

To

1. Shri A. Subrahmanya
Assistant Post Master
Bangalore City Head Post Office
Bangalore - 560 002
2. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Bangalore - 560 050
3. The Director of Postal Services
Bangalore
4. 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 encls.

Please find enclosed herewith the copy of ORDER/STAY/INTERIM ORDER
passed by this Tribunal in the above said application on 8-4-88

8-4-88

Encl : As above

DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 8TH DAY OF APRIL, 1988

Present Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri P. Srinivasan, Member (A)

APPLICATION NO. 304/1988

Shri A. Subramanya,
S/o Anantha Rama Rao,
Major, A.P.M.
Bangalore City Head Post Office,
Bangalore.

.... Applicant.

(Shri M. Raghavendrachar, Advocate)

v.

The Director of Postal Services,
Bangalore.

.... Respondent.

(Shri M.S. Padmarajaiah, C.G.S.S.C.)

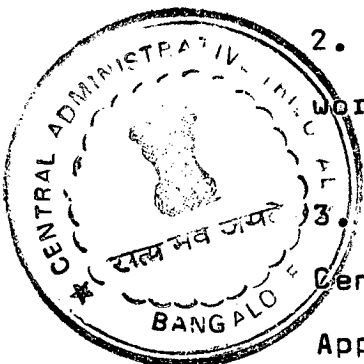
This application having come up for hearing to-day,
Vice-Chairman made the following:

O R D E R

This is an application made by the applicant under
Section 19 of the Administrative Tribunals Act, 1985
('the Act').

2. At all material times, the applicant has been
working as a Lower Selection Grade Post Master (LSGPM).

3. In exercise of the powers conferred on him by the
Central Civil Services, (Classification, Control and
Appeal) Rules, 1965 ('the Rules'), the Senior Superintendent
of Post Offices, Bangalore (Supdt) had initiated disciplinary
proceedings against the applicant under Rule 14 of the Rules



on the charges accompanying his memorandum no.F1/47/79-80 dated 12.2.1985 (Annexure-A). In response to the same, the applicant has filed his statement denying the charges levelled against him and therefore a regular inquiry has been held by an Inquiry Officer (IO) appointed by the competent authority under the Rules. On completing his inquiry, the IO had submitted his report to the Superintendent, who in turn sent the same to the Director of Postal Services, Bangalore (Director) respondent for passing his orders on the same.

4. But before the Director could examine the matter and pass his final orders on the proceedings, the applicant has approached this Tribunal on 29.2.1988 for a direction to the Director not to pass his final orders till all such documents as were sought by him before the I.O. were supplied.

5. In justification of the proceedings held so far, the respondent has filed his reply.

6. Shri M. Raghavendrchar, learned Counsel for the applicant, contends that non-supply of various documents sought by his client in the inquiry before the I.O was impermissible, illegal and was a denial of reasonable opportunity guaranteed to the applicant under Article 311 of the Constitution and the Rules and therefore the Director and the I.O. should be directed to furnish them to the applicant and then only complete the inquiry and the proceedings in accordance with law.

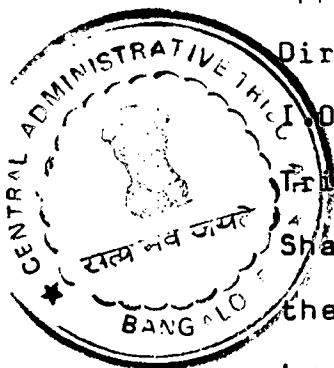


7. Shri M.S. Padmarajaiah, Learned Senior Central Government Standing Counsel, appearing for the respondent, contends that since the I.O. had already completed his inquiry and had submitted his report, even before the applicant approached this Tribunal, and having to the same and ^{all} other facts and circumstances, this was a fit case in which we should decline to interfere at any rate at this stage.

8. In his reply the respondent had asserted that the I.O. had completed his inquiry and had submitted his report before the applicant approached this Tribunal and obtained stay. Shri Achar, in our opinion, does not rightly dispute this assertion of the respondent.

9. When the I.O. had completed his inquiry and had submitted his report, the legality of which can be examined and decided by the Director, it would be inappropriate for us to examine and pronounce on the same. On this short ground, we should decline to interfere at this stage.

10. Even otherwise it is undoubtedly open to the applicant to urge this and all other grounds before the Director when he supplies him a copy of the report of the I.O. as ruled by a Full Bench of the Bombay Bench of this Tribunal in A.No.2/86 A.K. SHARMA v. UNION OF INDIA. In Sharma's case, the Full Bench had ruled that a copy of the report of the I.O. should be supplied to the delinquent by the disciplinary authority (DA) before he makes his final order and provide him an opportunity to file his



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representations thereto, consider the same and all other questions and then make his final order. We, consider it proper to issue appropriate directions to the DA, on this aspect only.

11. In the light of our above discussions, we make the following orders and directions:

i) We decline to examine the questions raised by the applicant at this stage and leave them open to be decided in the first instance by the Director.

ii) We direct the Director to furnish a copy of the report of the I.O. received by him, to the applicant within seven days of receipt of this order allowing him a reasonable time to file his written representations thereto, receive any written representations to be made thereto within the time allowed by him, consider them and pass his final orders thereon in accordance with law.



TRUE COPY

12. 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)

DEPUTY REGISTRAR (JDL) 19/4
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE MI/MIV.