

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 2 SEP 1988

APPLICATION NO. 38 /88(F)

W.P. NO. /

Applicant(s)

Shri S. Hanumanthappa
To

Respondent(s)

V/s The Regional Director, Postal Services,
Dharwad & another

1. Shri S. Hanumanthappa
S/o Shri Thimmappa
Hampapatna
Hagaribommalalli Taluk
Bellary District
2. Shri G. Shantappa
Advocate
No. 1849, A/2, 6 'A' Main
'D' Block, II Stage
Rajajinagar
Bangalore - 560 010
3. The Regional Director
Postal Services
North Karnataka Region
Dharwad - 580 001

4. The Superintendent of Post Offices
Bellary Division
Bellary - 583 102
5. Shri M.S. Padmarajaiah
Central Govt. Sing 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(s) on 26-8-88.

Encl : As above

g/c
DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 26 th DAY OF AUGUST , 1 9 8 7

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

Hon'ble L.H.A.Rego Member (A)

APPLICATION No.38/1988(F)

S.Hanumantappa,
R/a Hampapatna,
Hagaribomhalli(H.B.Halli)
Taluk, Bellary Dist. ... Applicant

(Sri G.Shantappa ... Advocate)

vs.

1. The Appellate Authority &
Regional Director,
Postal Services,
Dharwad-1.

2. The Superintendent of Post
Offices, Dept. of Posts,
Bellary. ... Respondents

(Sri M.S.Padmarajaiah ... Advocate)

This application having come up before the
Tribunal today, Hon'ble Vice-Chairman made the
following :

O R D E R

In this application made under Section 19 of
the Administrative Tribunals Act, 1985(Act), the
applicant has challenged Order No.NKR/STA/9-SH/87,
dated 11.9.1987(Annexure D) of the Director of
Postal Services, North Kanara Region, Dharwad and
the Appellate Authority ('AA') and the Order No.
F3/12/84-85, dated 1.12.1986 (Annexure C) of the
Superintendent of Post Offices, Bellary Division,
Bellary, and the Disciplinary Authority ('DA').



2. When the applicant was working as an Extra Departmental Delivery Agent ('EDDA') at Hampapatna Branch Post Office of Bellary District, 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 the charge that he had misappropriated several Money Orders relating to payment of Old Age Pensions. In answer to the Charge Memo, the applicant appeared before the Inquiry Officer (IO) on 30.8.1986 and admitted the charge levelled against him.

3. On examination of the admission of the charge by the applicant and the report of the IO made thereto the DA, on 1.12.1986, inflicted the penalty of removal from service. Aggrieved by the same the applicant filed an appeal before the AA, who had dismissed the same on 11.9.87. Hence this application.

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

5. Shri G.Shantappa, learned counsel for the applicant, contends that it was not open to the authorities to hold the applicant guilty of the charge without conducting a regular inquiry in accordance with law.

6. Sri M.S.Padmarajaiah, learned Senior Standing Counsel for Central Government appearing for respon-

dents, contends that on the admission of guilt by the applicant, the question of holding an inquiry thereto does not arise.

7. After some proceedings the inquiry was posted before the IO on 30.8.1986. On that day, the applicant appeared before the IO and admitted the charge levelled against him. The proceedings drawn up by the IO on that day read thus :

Proceedings of the inquiry against Sri S. Hanumanthappa EDDA(put off duty)Hampa-
Patna a/w Mariyammanahalli held at
Hampapatna BO at 12.30 hours on 30.8.86)

The following were present :

- S/Sri 1. K.Umashankar Bose, SDI, Kudtgi & IA.
2. G.S.Patil complaints Inspector(P)
Bellary P.O.
3. S.Hanumanthappa EDDA(put off duty)
2. The inquiry is commenced at Hampapatna
BO at schedule time of 12.30 hrs on
30.8.86.
3. The article of charge No I of SPOs Bellary
Memo No.F3/12/84-85 dtd 21/27-2-86
levelled against Sri S.Hanumanthappa SPS
was read over to him, and explained to
him in kannada language known to him;
4. Sri S.Hanumanthappa EDDA(put off duty)
and SPS unreservedly admitted the charge
No.I framed against him in memo no F3/
12/84-85 dtd 21/27-2-86

When the applicant had admitted the charge levelled against him, the question of holding an inquiry does not at all arise. From this it follows that there is no merit in this contention of Sri Shantappa.

8. Sri Shanthappa contends that with due regard to all the facts and circumstances it is just and proper to reduce the punishment and reinstate the applicant ^{to service} to turn a new ~~new~~ leaf in life.



9. Sri Padmarajaiah opposes any modification in punishment imposed on the applicant.

10. The charge levelled against the applicant is a serious one. Both the authorities have concurrently found that the removal from service was called for. We do not see any justification to interfere with the quantum of punishment imposed by the authorities.

11. As all the contentions urged by the applicant fail, 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/-
VICE CHAIRMAN

Sd/-
MEMBER (A) 128.847

an.

TRUE COPY

R. V. S. S. S. S. S.
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE