

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 28 APR 1988

APPLICATION NO

603

/88(F)

W.P. NO.

Applicant

Shri M. Ananthanarayana
To

Respondent

V/s The Supdt. of Post Offices, Chickmagalur,
& 2 Ors

1. Shri M. Ananthanarayana
Assistant Post Master
Sankarapura East Cross
Chickmagalur - 577 101
2. Shri S.K. Srinivasan
Advocate
No. 10, 7th Temple Road
15th Cross, Malleswaram
Bangalore - 560 003
3. The Superintendent of Post Offices
Chickmagalur Division
Chickmagalur - 577 101
4. The Postmaster General
Karnataka Circle
Bangalore - 560 001
5. The Director General
Department of Posts
New Delhi - 110 001
6. Shri M.S. Padmarajiah
Central Govt. Sng 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 on 27-4-88.

Encl : As above

DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE TWENTY SEVENTH DAY OF APRIL 1988

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

Hon'ble Shri P. Srinivasan .. Member (A)

APPLICATION NO.603/1988(F)

M. Ananthanarayana
Assistant Postmaster,
Sankarapura Last Cross,
Chikmagalur.

.. Applicant

(Shri S.K. Srinivasan .. Advocate)

v.

The Superintendent of Post Offices,
Chikmagalur Division,
Chikmagalur-577 101

The Postmaster General,
Karnataka Circle,
Bangalore-560 001

The Director General,
Department of Posts,
New Delhi.

.. Respondents

(Shri M.S. Padmarajaiah . Advocate)

This application came up before the Court today. Hon'ble
Shri P. Srinivasan, Member (A), made the following:

O R D E R

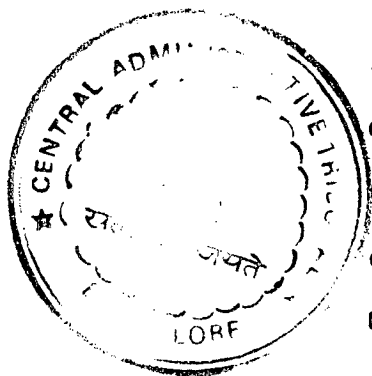
This application has been posted before us today to consider the applicant's prayer for interim relief. Shri S.K. Srinivasan for the applicant and Shri M.S. Padmarajaiah for the Respondents were ready to argue the main matter. The nature of the application is such that it has necessarily to be disposed of immediately. We have, therefore, proceeded to hear the application on merits today itself.

2. The applicant who was officiating as Assistant Post Master, Chikmagalur in the scale of Rs.1400-2300 appeared at the departmental examination for promotion to Post Master Service (Group B)

P. Srinivasan



in April 1987 and passed it. The Director General, Department of Posts, New Delhi (Respondent 3) announced the results of the examination on 27.11.1988. The applicant appeared at S No.13 out of a total of 40 candidates selected for promotion. On 29.11.1987 R-3 passed orders inter alia promoting the applicant to the Post Masters Service (Group B) and posting him to the Maharashtra Circle of the Postal Department. The said order was not served on the applicant but we have perused it in the file of the Respondents produced before us. The promotions ordered in that order were "subject to the condition that no disciplinary/vigilance case is pending or contemplated against him". In pursuance of this order, the Post Master General, Maharashtra, appointed the applicant as Deputy Presidency Post Master, Bombay GPO, by his order dated 12.1.1988. This was followed by order dated 25.1.1988 by the PMG, Karnataka Circle, Respondent No.2., ordering relief of persons who had passed the departmental examination for promotion to the Post Masters Service (Group B), one of them being the applicant (Annexure 3). In this letter the PMG also directed that, "in case any vigilance/disciplinary case is pending or contemplated against any of these officials ... he should not be relieved but the matter reported to this office forthwith". The complaint of the applicant is that even after this order was issued, the Supdt. of Post Offices, Chikmagalur (R-1), had refused to relieve him. The explanation of the Respondents is that R-1 was at that time enquiring into a complaint against the applicant dated 9.12.1987 which according to him disclosed a prima facie case for initiating disciplinary proceedings against the applicant and it was because of this that the applicant could not be relieved. At the time of hearing Shri Padmarajaiah further clarified that a charge sheet for imposition of minor penalty under Rule 16 of the CCS(CCA) Rules has since



P. S. 4

been ordered to be served on the applicant.

3. Shri S.K. Srinivasan, learned counsel for the applicant submits that in the first place there were no proceedings pending against the applicant when he was declared successful in the departmental competitive examination and when R-3 announced the list of persons selected for promotion including the applicant. Therefore for any action contemplated thereafter the Respondents should not have held back the relief of the applicant. He also submitted that on promotion the applicant would have joined a post equivalent to that of his immediate superior ie., R-1 and that R-1 had initiated the proceedings out of spite against the applicant. Shri Srinivasan also submitted that the applicant was prepared to answer the charges now being levelled against him but he should be allowed to join the higher post at Bombay and thereafter face the enquiry.

4. Shri Padmara-jaiiah denied that the disciplinary proceedings were initiated out of spite. He submitted that when these proceedings were pending, the applicant could not be allowed to join the higher post in Bombay.

5. Having heard both sides we are of the view that as things stand at present the applicant cannot indeed be relieved from his post to join the higher post at Bombay because of the disciplinary proceedings initiated. At the same time we also feel that the Respondents should dispose of the proceedings quickly so that, if exonerated, the applicant can join the higher post without delay. We are also of the view that the inquiry should be conducted and the decision thereon be made by a person holding a post higher than that of R-1 for the



P. J. [Signature]

obvious reason that the applicant is under orders of promotion ^{to H)} ~~is~~ a post equivalent to that of R-1. The charge sheet now said to have been issued by R-1 should be withdrawn and a fresh charge sheet issued, if considered necessary after ^{due} consideration of the matter by the Director of Postal Services, Bangalore, and he should complete the inquiry and pass final order within a month from today particularly because the charges are said to relate to minor penalties leviable under the CCS (CCA) Rules. If the applicant is exonerated of the charges he should immediately be relieved to join the higher post. We direct R-3 to keep the post at Bombay unfilled till the disciplinary proceedings, if any, to be initiated against the applicant are completed. If the PMG or other competent authority decides not to proceed with the disciplinary proceedings, the applicant should be immediately relieved and allowed to join his new post.

6. The application is disposed of in the above terms.

Parties to bear their own costs.



Sd/-
VICE CHAIRMAN 20/4/1985

Sd/-
MEMBER (A)

TRUE COPY

[Signature]
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE