

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560038.

Dated: 15 OCT. 1993

APPLICATION NO(S) 718 of 1993

APPLICANTS: T. R. Rajashekar
Sastory

TO.

RESPONDENTS: Post Master General,
Bangalore and others.

1. Sri. R. A. Shiraguppi
Advocate, 142-A Sixth Main,
Fourth Block, Rajajinagar,
(Near Mosque), Bangalore-10.
2. The Post Master General,
Karnataka Circle, Bangalore.
3. The Post Master (HSG-I),
Head Post Office, KOLAR-563101.
4. Senior Superintendent of Post Offices,
Kolar Division, KOLAR.
5. Sri. M. S. Padmarajaiah,
C.G.S.C, High Court Bldg,
Bangalore-1.

Subject:- Forwarding of copies of the Order passed by
the Central Administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the
~~ORDER/STAY/INTERIM ORDER~~, passed by this Tribunal in the
above said application(s) on 07-10-93.

Served

O/C

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE SEVENTH DAY OF OCTOBER, 1993

Present: Hon'ble Shri S. Gurusankaran, Member (A)

Hon'ble Shri A.N. Vujjanaradhya, Member (J)

APPLICATION NO.718/1993

Shri T.R. Rajasehkar Sastry
S/o. T.V. Ramachandra Sastry
Age: Major, EX-E.D. Packer
Kadirappa Street
Shidlaghatta-562 105
Kolar District.

.... Applicant

(Shri R.A. Shiraguppi, Advocate)

Vs.

1. The Post Master General in
Karnataka, General Post Office
Bangalore.
2. The Post Master (HSG-I)
Head Post Office
Kolar - 563 101
3. The Senior Superintendent of
Post Offices, Kolar Division
Kolar.

.... Respondents

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

This application having come up for hearing
before the Tribunal today, Hon'ble Shri S. Gurusankaran,
Member(A), made the following:

O R D E R

In this application filed under Section 19 of
the Administrative Tribunals Act, 1985, the applicant is
aggrieved by the punishment of removal of service imposed
on him by the dismissal authority vide order dated 27.8.1992
and the appeal dated 26.11.1992 to the Appellate Authority
the
having not been disposed of till/date of filing of this application.



He has therefore, prayed for setting aside the order of the Appellate Authority dated 27.8.1992 with all consequential benefits.

2. The case was admitted on 27.8.1993 and was posted for today for filing reply after the issue of notice to the respondents. Shri Shiraguppi appearing for the applicant submitted that the Appellate Authority has disposed of the appeal dated 26.11.1992 by order dated 14.9.1993 and has produced the original copy of the same. He also submitted that even though the Appellate Authority has stated that he has disposed of the appeal as per the powers conferred on him under Rule 126 of the Postal Manual Vol.III, he has failed to do so, since it is an incomplete order. He explained that under Rule 126 when on appeal, the Appellate Authority sets aside the punishment orders and remits the case for de-novo trial, the original proceedings containing the charge-sheet are to be deemed as quashed unless the stage from which the re-trial should be conducted is specified in the order.

3. Shri M.S. Padmarejaiah appearing for the respondents in all fairness stated that the appellate order is not a complete order and does not contain all the details as per Rule 126 of the P & T Manual, Vol. III. He, therefore, prayed that the matter may be remitted to the Appellate Authority to pass a suitable order as per Rule 126 at an early date.

4. Having heard the submissions of both the parties and looking into the nature of the charges framed against the employee, we quash the Appellate order dated 14.9.1993 and direct the Appellate Authority to pass an appropriate order in terms of Rule 126 of P & T Manual, Vol.III indicating whether

the punishment orders have been set aside and the case has been remitted for de-novo trial or the stage from which the re-trial should be conducted. We also direct the Appellate Authority to pass ^{such} an early order within a period of 10 days from the date of receipt of a copy of this order.




5. The application is disposed of accordingly.
No order as to costs.

Sd/-
7/10/93
(A.N. VIJANARADHYA)
MEMBER (J)

Sd/-
7/10/93
(S. GURUSANKARAN)
MEMBER (A)

mr.

TRUE COPY


SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
15/10/93