

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 033.

Dated: 30 MAR 1995

APPLICATION NO. 2039 of 1994.

APPLICANTS: Sri.Amaragundaiah Hiremath,
V/S.

RESPONDENTS: The Superintendent of Post Offices,
Raichur and another.

To

1. Sri.M.V.Hiremath, Advocate,
No.217/A, 57th Cross,
Opp:Rama Mandir, IV-Block,
Rajajinagar, Bangalore-560010.

2. Sri.G.Shanthappa,
Addl.C.G.S.C.,
High Court Bldg,
Bangalore-1.

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 17-03-1995.

Issue date

30/03/95

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for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE**

ORIGINAL APPLICATION NO.2039/1994

FRIDAY THIS THE SEVENTEENTH DAY OF MARCH, 1995

MR. V. RAMAKRISHNAN MEMBER (A)

MR. A. N. VUJJA NARADHAYA MEMBER (J)

(By Advocate Shri M.V. Hiremath)

1

1. The Suptd. of Post Offices,
Raichur

2. The Sub-Divisional Inspector (Postal), Taluk Sindhanoor, District Raichur Respondents

(By learned Standing Counsel)
Shri G. Shanthappa

ORDER

MR. V. RAMAKRISHNAN, MEMBER (A)

The applicant who was selected on a regular basis for promotion as ED BPM, Tidigal P.O. is aggrieved by the order of the Department dated 27.11.94 as at Annexure A-2 which terminates his services on the ground that there was an adverse report from the District Magistrate.

2. We have heard the counsel for both sides and also perused the relevant records. We find that in pursuance of the normal selection



process, the Department had selected the applicant for the post of ED BPM and they had also issued an order on 23.11.92 appointing him provisionally for that post. It has not been explained in the file as to why they have used the word 'provisional' when the normal selection process had been gone through and the applicant had been found fit for selection. Soon after the order dated 23.11.92 at Annexure A-1, some other candidate, aggrieved by the selection of the applicant had approached this Tribunal in O.A.No.100/93 where inter alia he had challenged the selection of the present applicant on the ground that he was unfit to be appointed as Branch Post Master because a criminal case is ~~was~~ lodged against him. The Tribunal, however, by its order dated 3.8.93 dismissed the application in that case. The Department after having issued the order in December, 1992, however, gave the appointment to the applicant in June, 1993. After more than a year, they made a reference to the police in July, 1994, to verify the character and antecedents of the applicant. The District Magistrate by his letter dated 12.10.94 informed the Department that a FIR has been filed in respect of certain offences under Sections 147, 148, 323, 355 and 506 of the Indian Penal Code and a charge-sheet has since been filed by the police. The District Magistrate has stated that in view of the same, the applicant

would not be suitable for the appointment. On getting this report, the Department proceeded to issue an order as at Annexure A-2.

3. After perusing the relevant file, we find the Department seems to have decided to terminate the services of the applicant only on the ground that a charge-sheet has been filed against him in respect of certain offences. The Department had not gone into the question as to whether the nature of charges against the applicant in the criminal case will render him unfit to continue as ED BPM. In any case, the offence against the applicant as may be seen from the District Magistrate's report do not seem to be of a very serious nature. The applicant is facing trial and the case has still not been disposed of. The action of the Department is not making prompt reference to the police immediately after the selection of the applicant has also not been explained.

4. In the circumstances of the case, we hold that the Department had not applied its mind before issuing the order as at Annexure A-2. We accordingly quash the order dated 21.11.94 as at Annexure A-2. The Department would, however, be at liberty to take appropriate action as per law depending on the final outcome of the criminal proceedings. No costs.



TRUE COPY

Section Officer
Central Administrative Tribunal

Bangalore Bench
Bangalore

Sd/-

17/11/94
MEMBER (J)

17/11/94
MEMBER (A)

Sd/-