

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 27 OCT 1994

APPLICATION NO: 769 of 1994.

APPLICANTS:- Sri.T.Bhagappa,
V/S.

RESPONDENTS:- Secretary, Department of Posts, New Delhi & Others.

To

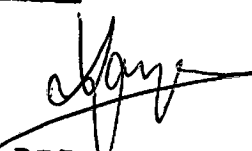
1. Sri.R.Sharath Chandra,
Advocate, No.5/62, 59th Cross,
Fourth Block, Rajajinagar,
Bangalore-560 010.
2. Sri.G.Shanthappa,
Addl.C.G.S.C.,
High Court Bldg,
Bangalore-560 001.

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

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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 20-10-1994.

Issued o/c
on 28/10/94

for 
DEPUTY REGISTRAR

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: :BANGALORE

ORIGINAL APPLICATION NO.769/94

THURSDAY, THE TWENTIETH DAY OF OCTOBER, 1994

Shri V. Ramakrishnan,

Member (A)

Shri A.N. Vujjanaradhya,

Member (J)

T. Bhagappa,
S/o Bhagappa,
aged major, residing
at Thiralyyana Gudisel,
P.O. Rastapur,
(Sagar) 585 323
Shahapur, Gulbarga District.

...Applicant

Advocate by Shri Sharat Chandra.

Versus

1. Union of India
by Secretary, Department of Posts,
Govt. of India,
New Delhi.
2. The Director General of Post,
Dept. of Post, Govt. of India,
New Delhi.
3. The Chief Postmaster General,
in Karnataka, Karnataka Circle,
Palace Road, Bangalore-560 052.
4. The Superintendent of Posts,
Postal Department,
Gulbarga.

...Respondents

Advocate by Shri G. Shantappa, C.G.S.C.

O R D E R

Shri V. Ramakrishnan, Member (A)

The applicant herein, who is an employee of
Postal Department has prayed for a direction that the



department should take him back into service with all benefits as he contended that his services were orally terminated. In the application, he has alleged that the Superintendent of Posts, Gulbarga without reason or cause asked him to stop coming to office. It is further stated that when the applicant questioned him about the ^{justification} ~~jurisdic-~~ ~~tion~~ for such direction, the Superintendent of Posts did not give any reasons. According to the applicant, his various efforts and personal requests with the Superintendent of Posts did not bear fruit. He had not indicated in the application as to when these developments took place.

2. We have heard Shri Sharat Chandra for the applicant and Shri Shantappa for the respondents. We have also perused the relevant files. From the files, it is seen that in June, 1990, the applicant was served with a notice giving article of charges and the statement of imputations of his misconduct. An enquiry was held and the applicant participated in the enquiry. The enquiry report dated 26.12.90 was also sent to the applicant by registered post and from the acknowledgement due of the postal department, it seems that the same was received by him on 09.01.1991. The department proceeded to issue final orders by its order dated 28.02.91. The Disciplinary Authority, who is the Senior Superintendent of Posts, Gulbarga issued final orders on 28.02.91 inflicting the penalty of compulsory retirement on the applicant with immediate effect. He further ordered that the period of unauthorised absence from 1.4.90 will be treated as eligible and available leave, for which separate order will be issued. The department order was served on the applicant. It is

also seen from the records that on 5.3.91 a letter was issued to the applicant drawing attention to the office memo dated 28.2.91 (which is the order imposing the penalty) and asking the applicant to furnish the leave application with relevant details so that early action can be taken for settlement of his leave as well as pension. The applicant by his letter dated 13.4.91 had replied to the letter dated 5.3.91 requesting for sanction of various kinds of leave for the period from 1.4.90 to 27.2.91.

3. From the above facts, it is clear that the applicant was fully aware that an enquiry was held against him, where he had participated and he was also aware that there was an order compulsorily retiring him from service. It is pertinent to mention that in the department's letter dated 5.3.91, to which he had replied by his letter dated 13.4.91, there is a specific reference to the proceeding dated 28.2.91 inflicting the penalty. The applicant's contentions before us that he was not served with any written termination order and that no enquiry was held against him are demonstrated to be totally false. We also find that the Disciplinary Authority order was dated 28.2.91 and the applicant has approached us only in March, 94 and he has not given any reason for this delay.

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In the light of the above, we find that the application is totally devoid of any merit. We accordingly dismiss the application with no order as to costs.

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

(A.N.VUJJANARADHYA)
MEMBER (J)

(V.RAMAKRISHNAN)
MEMBER (A)