

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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

Dated:- 22 AUG 1994

APPLICATION NUMBER: 1120/94

APPLICANTS:

Smt. R.T. Manjula
To.

RESPONDENTS:

Director of Postal Services,
S.K. Region, Bangalore and Others.

① Sri. S. K. Mohiyuddin,
Advocate, no. 11,
Jeevan Buildings,
Kumarapark East,
BANGALORE-2.

② Sri. B.T. Rudappa,
Inquiry Officer
Asst Supt of Post Offices,
Chitradurga Sub Division
Chitradurga - 577501

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

Please find enclosed herewith a copy of the ORDER/
~~STAY ORDER/INTERIM ORDER~~, passed by this Tribunal in the above
mentioned application(s) on 01-08-94

Issued on

23/8/94

R.

o/c

for

R. Hanuman 22/8
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

ORIGINAL APPLICATION NUMBER 1120 OF 1994

MONDAY, THIS THE 1ST DAY OF AUGUST, 1994.

Mr. Justice P.K. Shyamsundar, .. Vice-Chairman.

Mr. T.V. Ramanan, ... Member(A)

Smt. R.T. Manjula,
Aged 38 years, W/o B.N. Narayan Naik,
Postal Assistant,
Devaraj Urs Lay-out,
Davangere-577 006.

.. Applicant.

(By Advocate Shri S.K. Mohiyuddin)

v.

1. The Director of Postal Services,
(S.K. Region), O/o the CPMG., Bangalore-1.
2. The Superintendent of Post Offices,
Chitradurga.
3. Sri B.T. Rudrappa,
Assistant Superintendent of Post
Offices, Chitradurga Dn.,
Davangere P.O.

.. Respondents.

ORDER

Mr. Justice P.K. Shyamsundar, Vice-Chairman:

We have heard Shri S.K. Mohiyuddin, learned counsel for the applicant who sponsors this application for admission.

We decline to admit this application since in our view the matter is too premature for adjudication by the Tribunal. Admittedly the department has initiated an inquiry at which the applicant is indicted on grounds of some misdemeanour which is still at the stage of inquiry. However, it is urged on behalf of the applicant that the Inquiry Officer has been denying appropriate opportunity to the applicant to join issue in the matter and more particularly of opportunity to cross-examine the witnesses examined in her absence on more than one occasion. It appears on one or two occasions the inquiry literally proceeded ex-parte



against the applicant. On those occasions the defence ^{assistant} of the applicant could not be present because of his illness and on another occasion an adjournment sought for denied. The second time the applicant herself being ill wanted an adjournment and that was also denied.

2. We need hardly observe granting of adjournments is within the discretion^{of} of the inquiring authority. But, then if there is a request for granting of adjournment for a just and sufficient cause it cannot be rejected blindly. We are told that on one occasion the defence assistant could not appear because of his own illness and on the second occasion the applicant herself was ill and therefore she could not be present. If on such occasions adjournments had been sought for and in those circumstances it was proper for the inquiring authority to have granted an adjournment. Be that as it may, we do not know what prompted the inquiring authority to refuse the adjournment. All that we wish to point out is that even now it is open to the applicant to go to the inquiring authority, make an application asking the authority to recall the witnesses who were examined in her absence and ask the officer to give her an opportunity to cross-examine the witnesses. We are quite sure if such a request is made the inquiring authority will grant the same and provide an opportunity to the applicant to cross-examine the witnesses who were not cross-examined on the earlier occasions. But, we decline to give any direction to the inquiring authority in this behalf. With these observations we dispose off this application. Let a copy of this order be sent to the inquiring authority for information.



TRUE COPY

Sd/-
SECTION OFFICER 248
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH np/
BANGALORE

Sd/-
MEMBER(A)

Sd/-
VICE-CHAIRMAN