

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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

Dated: 25 NOV 1994

APPLICATION NO: 1348 of 1994

APPLICANTS:- T. G. Aravinde Kumar
V/S.

RESPONDENTS:- PMG, S.K. Regn, Kernetter & 2 ors.

To

1. Sri. M. R. Acharya
Advocate,
No. 1074 & 75
4th Main, 2nd cross,
Srinivasa Nagar II Phase,
Bangalore - 560 050.

2. Sri. M. V. Rao
Adv. C.G. Sc
High Court Bldg
Bangalore - 1

3. Sri. K. G. Aravinde Rej,
Advocate,
No. 95, 1st Main, 8th cross. (Dorm)
Near Bank of Baroda
Mallerayam, Bangalore - 560 003

SB No. 3
copy received
25/11/94

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 17th November 1994

Issued on

28/11/94

AP

of for

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

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CENTRAL ADMINISTRATIVE TRIBUNAL, BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NUMBER 1348 OF 1994

THURSDAY, THIS THE 17TH DAY OF NOVEMBER, 1994

Mr. Justice P.K. Shyamsundar,

Vice-Chairman.

Mr. T.V. Ramanan,

Member (A)

T.G. Aravinda Kumar,
S/o T.R. Garudaiah,
Aged about 34 years,
At & Post Tavarekere,
A/w Honnudike, Tumkur Tq. & Dist.

.. Applicant.

(By Advocate Shri M.R. Achar)

v.

1. The Post Master General in Karnataka, S.K. Region, Bangalore.
2. The Superintendent of Post Offices, Tumkur Division, Tumkur.
3. V. Venkataramu,
Ex. BPM, Major, At & Post Tavarekere,
Tumkur Taluk and District.

.. Respondents.

(By Standing Counsel Shri M. Vasudeva Rao for R1 & R2,
Shri K. Govinda Raj for R3)

O R D E R

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

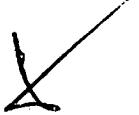
The applicant was appointed temporarily to hold the post of EDBPM of Tavarekere village in place of one Venkataramu who was put off duty on grounds of alleged defalcation of Government money. The said Venkataramu, we are told, is now facing an inquiry and is also presently served with a charge sheet but the proceedings are yet to take off. But, when the matter was pending in that state, the department decided to reinstate Venkataramu and consequently the applicant stands displaced and that presently is the grievance.



2. According to Mr. M. Raghavendrachar, learned counsel

for the applicant, the action of the department is retrograde since it puts a premium on the Government money or public money being pilfered. Counsel says that the man who is accused of misappropriating postal funds which he had admitted but thereafter made good the loss suffered by the department could not have been reinstated in service even prior to the inquiry. In that situation Mr. Achar very forcefully, in our opinion, rightly criticised the department's action in backtracking and directing the reinstatement of a Predator in office. We must say that there is lot of force in the submission of Sri Achar and the department probably was not right in putting the third respondent back into the saddle, when the man was accused of helping himself of departmental funds illegally. But, then placing a person under suspension and then reinstating him are matters that are within the discretion of the department. What is more, Venkatarmu the person who was put off duty is a party respondent in this proceeding and has filed an objection statement to which he has annexed a statement where he has made it clear that he had been forced to make an admission of his guilt and was also forced to repay the amount said to be due to Government although he was not responsible for its loss. In that situation what becomes apparent is the man has some kind of defence and may be that aspect ~~which~~ had weighed with the department in revoking the order of suspension and in consequence directing his reinstatement. In that view of the matter, the impugned order made by the department cannot possibly be interfered with in this proceeding. Since this is the only point raised for consideration, the same fails. For the reasons mentioned above, this application thus fails and is rejected.

3. The applicant would do well to look for the possible vacancies arising in the near future and make himself available



for selection with the department in which event the department may consider his case sympathetically in view of his earlier stint.

Sd/-

MEMBER(A)

Sd/-

VICE-CHAIRMAN



TRUE COPY

[Signature] 23/11/94
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore