

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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

Dated: 31 MAR 1995

APPLICATION NO. 966 of 1995.

APPLICANTS: Kulakarni Raghavendra Rao,
V/S.

RESPONDENTS: The Supdt. of Post offices, Raichur and another.

To

1. Sri. S. K. Mohiyuddin, Advocate,
No. 11, Jeevan Buildings,
Kumarapark East, 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 20-03-1995.

Issued on
31/03/95
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for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

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CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH: BANGALORE

ORIGINAL APPLICATION NUMBER 966 OF 1995

MONDAY, THIS THE 20TH DAY OF MARCH, 1995.

Mr. Justice P.K. Shyamsundar,

Vice-Chairman.

Mr. T.V. Ramanan,

.. Member (A)

Kulakarni Raghavendra Rao,
Aged 44 years,
S/o Sri Rama Rao,
Postal Assistant (LSG),
Raichur-H.O.

.. Applicant.

(By Advocate Shri S.K. Mohiyuddin)

v.

1. Superintendent of Post Offices,
Raichur.

2. Director of Postal Services,
N.K. Region, Dharwad.

.. Respondents

O R D E R

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

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swdms

We think it appropriate to direct the applicant to make an application before the Appellate Authority before whom the appeal proceedings against the impugned order are stated to be pending and seek for stoppage of the recovery of the amount specified in the impugned order. It is an axiomatic principle of law in that the authority who has the power to pass a larger order has certainly the power to pass a lesser one. The Appellate Authority who is vested with the right to sustain or set aside the order of penalty, surely can stay the order imposing the penalty by way of interim measure. The apprehension raised by Mr. S.K. Mohiyuddin, learned counsel for the applicant that



the Appellate Authority may bemoan the lack of authority for issuing a stay of the impugned order, we think, is not well founded. In the circumstances, we dispose of this application with a direction to the applicant to make an appropriate application for stay of the impugned recovery before the Appellate Authority and await orders thereto. Furnish a copy of this order to Mr. Mohiyuddin for information.

Sd/-

Sd/-

MEMBER(A)

VICE-CHAIRMAN

np/

TRUE COPY



Abdul
31/3/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore