

(38)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT : HYDERABAD

O.A.No. 521 of 1987

Date of Order: 12-2-1990

Between:

Ch.V.Kukkuteswara Rao .. Applicant

and

The Union of India represented by

1. The Director of Postal Services,  
A.P. Northern Region, Visakha-  
patnam.
2. The Senior Superintendent,  
R.M.S. 'V' Division, Visakhapatnam.

.. Respondents

Appearance

For the applicant : Shri K.S.R.Anjaneyulu, Advocate.

For the respondents : Shri J.Ashok Kumar, Standing  
Counsel for Postal.

CORAM

HONOURABLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN.

HONOURABLE SHRI D.SURYA RAO, MEMBER(JUDICIAL).

---

(JUDGMENT OF THE BENCH DELIVERED BY HON'BLE SHRI D.SURYA RAO,  
MEMBER (JUDICIAL))

The applicant herein, who is an RTP Sorting Assistant in RMS 'V' Division, Visakhapatnam, has filed this application challenging the orders passed by the 1st respondent bearing No.ST/32/SDAS, dated 28-7-1987, deleting the name of the applicant from the list of R.T.P. The applicant was originally selected as Short Duty Sorting Assistant. After theoretical training for 2½ months at Mysore, he was posted at Tadepalli-gudem Sorting Office, Vizianagaram RMS, Waltair RMS, Samalkot RMS and Kakinada RMS and in that way he completed continuous

contd..page 2/-

Up

service upto 1985. He was brought under "Reserve Trained Pool" with specific assurance of absorption in future vacancies as and when they arise as contained in Director-General, Posts and Telegraphs, New Delhi, Memo No.60/36/80-SPB.I, dated 30.10.1980.

2. The applicant states that he was performing his duties loyally without any adverse comment from any quarter regarding his work. While so, he fell sick in April, 1985. He was also under treatment under "Assistant Surgeon" of Government General Hospital, Kakinada. He produced a certificate in support of his plea that he has been ill from 10-4-1985 to 22-12-1986 (Annexure-2 to the application). He further states that he was not called ~~to~~ <sup>to</sup> duty in 1986 ~~as~~ <sup>when</sup> the Kakinada RMS was abolished ~~and~~ <sup>as in the case of A</sup> some of the staff ~~were~~ <sup>who</sup> ~~were~~ asked to attend at Samalkot RMS office or ~~at~~ <sup>any</sup> other places. He submits that after treatment he requested the Senior Superintendent, RMS V Divn., and to give him posting orders, ~~he~~ was called upon by the Senior Superintendent, RMS, vide letter dated 13-3-1987 to produce the receipts in original of the medicines purchased for treatment during the period 10-4-1985 to 22-12-1986. The applicant submitted his reply on 20-3-1987 stating that he has not preserved the bills. He however relied on <sup>a</sup> medical certificate. Thereafter the 2nd respondent by an order dated 15-4-1987 intimated the applicant that his name was deleted from the list of RTPs (Reserve Trained Personnel). The applicant submitted a representation on 10-7-1987 requesting the 2nd respondent for sympathetic consideration. He also submitted an appeal to the 1st respondent on 9-6-1987 and a reminder on 26-7-1987. On 28-7-1987 the 1st respondent contention that the replied stating that the applicant was suffering from "infective hepatitis" is not convincing and consequently rejected the appeal. Therefore, the applicant seeks a direction from this Tribunal to set aside the order dated 15-4-1987 issued by the 2nd respondent and also the Memo dated 28-7-1987 issued by the 1st respondent.

(W)

3. On behalf of the respondents counter has been filed denying the various contentions raised by the applicant. It is stated in the counter that on 2-4-1985 the applicant had submitted an application requesting for grant of permission for 15 days from 2-4-85 to 16-4-85 on the plea of attending his sister's marriage. The permission was refused in the exigencies of work and the applicant was intimated the same on 6-4-1985. Earlier also when the applicant declined to go on deputation to Tuni, he was warned, ~~and~~ On 30-10-1984 also he was warned as he remained absent continuously from duty from 7-4-1984. Notwithstanding such warning, he again absented from duty from 7-11-84 to 12-11-1984.

4. It is stated in the counter that the applicant after absenting himself from duty from 2-4-85 to 16-4-85, ~~he~~ submitted a representation on 15-12-1986 requesting that he may be given a job on the ground that he could not attend office due to ill health. Thereafter on 7-2-1987 he submitted a medical certificate issued by one Dr.P.V.Ramakrishnarao, Eye Specialist, Assistant Surgeon, Kakinada, to the effect that the applicant was treated as an Out-Patient for "infective hepatitis" from 10-4-85 to 22-12-86. As the reasons advanced by the applicant ~~were~~ not convincing, he was asked to produce the receipts in respect of medicines purchased by him. The applicant in his representation dated 20-3-1987 replied that he had ~~taken~~ treatment from a Government Doctor at his private clinic and he did not preserve the bills. After considering his explanation, the 2nd respondent has ordered for deletion of the name of the applicant from the RTP list of 'V' Division vide his Memo dated 15-5-1987. Thereupon the applicant submitted his representation dated 10-6-87 to the 1st respondent against the action of the 2nd respondent, which

A  
contd..page 4/-

To:

1. The Director of postal services, (Union of India), A.P. Northern Region, Visakhapatnam.
2. The Senior superintendent, R.M.S. 'V' Division, Visakhapatnam.
3. One copy to Mr.K.S.R.Anjaneyulu, Advocate, 1-1-365/A, Jawaharnagar, Bakaram, Hyderabad-500 020.
4. One copy to Mr.J.Ashok,Kumar, SC for postal department, CAT, Hyderabad.
5. One spare copy.

...  
kj.

*DNC*  
Received on 16/1/2000  
16/1

*Home  
202120*

was rejected on 28-7-87, as the explanation for unauthorised absence for more than 1½ years was not satisfactory and convincing. It is therefore stated that there are no merits in the application and the same be dismissed.

5. Heard Shri K.S.R.Anjaneyulu, learned Counsel for the applicant, and Shri J.Ashok Kumar, learned Standing Counsel for respondents.

6. From the above facts it is seen that the applicant has been absenting himself from duty from time to time, <sup>to</sup> and that from 2-4-1985 onwards for more than 1½ years he did not <sup>not only</sup> turn up for duty and on 15-12-1986 he submitted a representation requesting the 2nd respondent to take him back to duty and give him work. The facts also disclose that though he was informed on 6-4-1985 that the permission was refused in the exigencies of work, he did not report for duty. The <sup>UntenHin</sup> department thereupon considered the ~~condition~~ of the applicant and gave him an opportunity to explain why he was absent without genuine reasons. After considering all the circumstances the Department on 15-5-87 has ordered for the deletion of the name of the applicant from the RTP list of 'V' Division.

7. We therefore find no infirmity in the orders passed by the Respondents. There are no merits in the application. Accordingly, we dismiss the application. No costs.

(Dictated in the Open Court)  
Date: 12-2-1990

*B.N.Jayasimha*  
(B.N.JAYASIMHA)  
VICE-CHAIRMAN

*D.Surya Rao*  
(D.SURYA RAO)  
MEMBER (JUDICIAL)