

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD  
 TUESDAY THE TWENTIETH DAY OF JUNE, 1989  
 ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

: PRESENT :

THE HONOURABLE MR. B. N. JAYA SIMHA : VICE-CHAIRMAN ✓  
 AND  
 THE HONOURABLE MR. D. SURYA RAO : MEMBER (JUDG.) ✓  
 AND  
 THE HONOURABLE MR. D. K. CHAKRAVERTY : MEMBER (ADMIN.)  
 AND  
 THE HONOURABLE MR. J. N. RASIMHA MURTHY : MEMBER (JUDG.)

ORIGINAL APPLICATION NO. 46 OF 1989 ✓

BETWEEN:-

M. Ramesh Babu -

...Applicants

AND

- 1) The Secretary to Government,  
 Department of Posts,  
 New Delhi ✓
- 2) The chief Postmaster General,  
 Hyderabad. ✓
- 3) The senior Superintendent of Post offices,  
 Hyderabad City Division,  
 Hyderabad. ✓

...Respondents

(ORDERS OF THE TRIBUNAL DELIVERED BY HON'BLE V.C., ~~SHRI~~ SHRI B.N. JAYASIMHA)

The applicant was appointed as Short Duty postal Assistant on 13-8-1981. He was subsequently appointed as regular Postal Assistant in the scale Rs.975-1660 w.e.f.15-7-1987 by an order dated 13-7-1987 of the Sr. Supdt. of Post Offices, Hyderabad, along with his batch-mates. Subsequently, by the impugned order dt.2-6-1987 issued by the third respondent (Sr. Supdt. of Post Offices), the services of the applicant have been terminated under proviso to sub-rule (1) of Rule 5 of the Central Civil Services (Temporary Rules), 1965. The applicant contends that his juniors are being continued as regular postal assistants. He, therefore, contends that termination of his services is violative of articles 14 and 16 of the Constitution and has to be quashed.

2. On behalf of the respondents, a counter has been filed admitting that the applicant was appointed as regular postal assistant w.e.f.15-7-1987. It is stated that the termination of applicant's services is not arbitrary and that there is no discrimination.

3. We have heard the learned counsel for the applicant and learned Standing Counsel Shri E. Madan Mohan Rao, Addl. CGSC/for Respondents, who has also produced the relevant records. We find from the record produced that the reason for termination of the services of the applicant is an alleged complaint of misconduct in encashing a cheque issued by the Telugu University. This case is covered by the decision of the Supreme Court in Jarnail Singh

- page two -

wherein the Supreme Court had held that termination of service on grounds of misconduct, without affording an opportunity to the employee, attracts Article 311(2) of the Constitution. Following the decision of the Supreme Court in Jarnail Singh's case, the impugned order is set aside. The respondents are directed to reinstate the applicant to duty. This order, however, does not preclude the department ~~to proceed~~ <sup>from proceeding</sup> with the departmental enquiry for the alleged misconduct, if they wish to do so.

4. With the above directions, the application is allowed.

There will be no order as to costs.

(dictated in open court)

B.N.Jayasimha  
(B.N.JAYASIMHA)  
Vice-Chairman.

D. Surya Rao  
(D.SURYA RAO)  
Member (J).

Dt. 20-6-1989.

RSR°

*S. Venkata*  
DEPUTY REGISTRAR  
29/6/89

To.

- 1) The Secretary to Government,  
Department of Posts, ~~and Delhi~~ New Delhi
- 2) The Chief Postmaster General, Hyderabad
- 3) The Senior Superintendent of Post Offices,  
Hyderabad City Division, Hyderabad
- 4) one copy to Mr. K. S. R. Anganayulu, Advocate,  
1-1-365/A, Jawaharnagar, Bazar, Hyderabad  
-500020.

*SK*

P.T.O.