

(82)

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 526/91.
-T.A.No:--

Date of Decision : 12th NOV 1991.

C.Kumar

Petitioner.

Shri K.Mangachary

Advocate for the
petitioner (s)

Versus

Member(P), Postal Services Board,
Ministry of Communications, Department of Posts Respondent.
Dak Bhavan, New Delhi & 3 others

Shri N.Bhaskara Rao,
Addl. CGSC

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. R.Balasubramanian : Member(A)

THE HON'BLE MR. T.Chandra Sekhar Reddy : Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

N
HRBS
M(A)

T.CSR
M(J).

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.526/91.

Date of Judgment 12th Nov/91

C. Kumar

.. Applicant

Vs.

1. Member(P),
Postal Services Board,
Ministry of Communications,
Department of Posts,
Dak Bhavan,
New Delhi.

2. Director of Postal Services,
A.P.Northern Region,
Hyderabad.

3. Sr. Superintendent, R.M.S.,
(S.S., R.M.S..)
Hyderabad Sorting Division,
Hyderabad.

4. Manager,
P&T Motor Service,
Hyderabad-1. .. Respondents

Counsel for the Applicant : Shri K.Mangachary

Counsel for the Respondents: Shri N.Bhaskara Rao,
Addl. CGSC

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri T.Chandra Sekhar Reddy : Member(J)

I Judgment as per Hon'ble Shri R.Balasubramanian,
Member(A) I

This application has been filed by Shri C.Kumar under section 19 of the Administrative Tribunals Act, 1985 against the Member(P), Postal Services Board, Ministry of Communications, Department of Posts, Dak Bhavan, New Delhi and 3 others. The prayer in this application is to set aside the order dated 21.1.91 of the Ministry of Communications, Department of Posts, New Delhi, memo dated 23.6.88 of the Director of Postal Services, Northern Region, Hyderabad and order dated 22.9.86 of the Sr. Superintendent, R.M.S. (S.S., R.M.S., for short), Hyderabad Sorting, removing the applicant from service.

The facts of the case in brief are that the applicant while working as Time Scale Driver, M.M.S. was served with a charge-sheet and after enquiry the disciplinary authority removed him from service. Against this, he preferred an appeal to the Director of Postal Services which was rejected. Against this, he sought for revision of and the Member(P), Postal Services Board rejected the case. It is against this that the applicant has come up with a prayer.

3. The respondents have filed a counter affidavit and oppose the prayer.

4. We have heard the case. Shri K. Mangachary, learned counsel appeared for the applicant and Shri N. Bhaskara Rao, learned counsel appeared for the respondents. At the very outset it was brought to our notice that a copy of the enquiry report was not furnished to the applicant before the order of punishment was passed. ~~This is also seen~~ from para 5 of the counter affidavit

5. Before we go into the merits of the case we find that according to the judgment of the Hon'ble Supreme Court in the case of Union of India & others Vs. Mohd. Ramzan Khan the action of the ^{Union of India} ~~respondents~~ in not furnishing the enquiry report before passing the punishment order is bad in law and we, therefore, set aside the order of punishment as well as the appellate order and the revision order. This, however, will not preclude the respondents from supplying a copy of the enquiry report to the applicant and give him an opportunity to make his representation and proceeding to complete the disciplinary proceedings from that stage. The application is allowed to the extent indicated above but in the circumstances we make no order as to costs. If the respondents choose to continue the disciplinary proceedings and complete the same, the manner as to how the period spent in the proceedings should be treated would depend upon the ultimate result. Nothing said herein would affect the decision of the Disciplinary Authority. At the same time, we hasten to add that this order of the Tribunal is not a direction to necessarily continue the disciplinary proceeding. That is entirely left to the discretion of the Disciplinary Authority.

.....3

We direct the respondents to commence acting on this judgment within a month of receipt of this judgment. There is no order as to costs.

R.Balasubramanian

(R.Balasubramanian)
Member(A).

T.C.Sekhar Reddy
(T.Chandra Sekhar Reddy)
Member(J).

Dated 12th November

ST/11/91
Deputy Registrar(U)

To

1. The Member(P) Postal Services Board,
Ministry of Communications, Dept. of Posts,
Dak Bhavan, New Delhi.
2. The Director of Postal Services, A.P.Northern Region,
Hyderabad.
3. The Sr.Superintendent, R.M.S.
(S.S.R.M.S.) Hyderabad Sorting Division,
Hyderabad.
4. The Manager, P&T, Motor Service, Hyderabad-1.
5. One copy to Mr.K.Magachary, Advocate, ~~CAT.Hyd~~ 1-9-626, Adigmet
Hyd - 6
6. One copy to Mr.N.Bhaskar Rao, Addl. CGSC. CAT.Hyd.
7. One spare copy.

pvm

22/2/91
C.P.
09/11/91
19/11/91