

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 462/92

Date of Order: 18.9.1992

BETWEEN :

B.Narasimhulu

.. Applicant.

A N D

1. The Supdt. of Post Offices,
Adilabad Division, Adilabad.
2. The Director of Postal Services,
Hyderabad Region, Hyderabad.
3. The Postmaster General,
Hyderabad Region, Hyderabad. .. Respondents.

Counsel for the Applicant

.. Mr.S.Ramakrishna Ra

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUD L.)

(Order of the Single Member Bench delivered
by Ho 'ble Shri T.Chandrasekhara Reddy, Member (Judl.)).

T.C.R

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to treat the period from 16.6.1990 to 13.3.1991 as the period spent on duty and make payment of Pay and Allowances for the said period with all consequential benefits and pass such other order or orders as may deem fit and proper in the circumstances of the case.

The facts giving rise to this OA in brief are as follows:

The applicant while working as Deputy Post Master (SB) Mancherial Head Office for alleged grave irregularities committed by him, a disciplinary enquiry was initiated against him. As per orders dated 13.6.1990 passed by the competent authority as ~~as~~ of punishment the applicant was compulsorily retired. The applicant preferred an appeal ~~to~~ the appellate authority who is the Director of Postal Services, Hyderabad as against the said orders dated 13.6.1990 compulsorily retiring him. The said appellate authority dismissed the said appeal of the applicant herein as per its orders dated 11.9.1990. Thereafter the applicant filed O.A.839/90 before this Tribunal questioning the orders of compulsory retirement passed against him. The said O.A.839/90 was decided by this Tribunal as per judgement dated 15-2-1991 setting aside the said order of compulsory retirement. But while setting aside the compulsory retirement this Tribunal ~~did not~~ preclude the competent authority from considering the disciplinary case against the applicant on merits and to pass appropriate orders. In pursuance of the directions given by this Tribunal in O.A.839/90 as per its Judgement dated 15.2.1991, the disciplinary authority considered the disciplinary case as against the applicant and furnished a

copy of the enquiry report to the applicant. The applicant submitted his representation with regard to the findings against him in the said enquiry report. After considering the case the disciplinary authority passed again orders dated 11.10.1991 compulsory retiring the applicant. An appeal also was preferred by the applicant as against the orders of the compulsory retiring the applicant which appeal had also been dismissed. Questioning the said order of compulsory retirement the applicant had filed O.A.1079/91 on the file of this Tribunal.

A few more facts have got to be stated for the purpose of this OA. The applicant as already pointed out was compulsorily retired on the first occasion with effect from 16.6.1990. By virtue of the orders dated 15.2.1991 passed in O.A.839/90 the applicant was reinstated with effect from 14.3.1991 and as such allowed to continue till the applicant was compulsorily retired (second time) on 11.10.1991.

It is the grievance of the applicant that the period from 16.6.1990 to 13.3.1991 has not only to be treated as period on duty and that he is entitled for pay and allowances for the said period.

Today we have heard Mr.S.Ramakrishna Rao, Advocate for the applicant and Mr.N.R.Devraj, Standing Counsel for the respondents.

With regard to the period from 16.6.1990 to 13.3.91 it is always open to the competent authority to pass appropriate orders with regard to pay and allowances. As a matter of fact the department had passed orders with regard to the said period which is Annexure-2 to this OA. Annexure-2 is dated 21.4.1992. Annexure-2 which is the impugned order states that the period of absence from 16.6.1990 to 13.3.1991 shall be treated as on

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duty for the purpose of pension under the provisions of Sub-Rule 5 of FR 54. It is the contention of the learned counsel for the applicant that the period of absence from 16.6.1990 to 13.3.1991 has to be treated as period spent on duty and so that it will be fit and reasonable to direct the respondents to make payment of pay and allowance for the said period.

As already pointed out O.A.1079/91 is filed by the applicant herein challenging the orders of compulsory retirement dated 11.10.1991. The validity of Annexure-2 which is the impugned order in this ~~could be gone into~~ the said O.A.1079/91 as it is a comprehensive OA. In order to avoid conflicting orders in this OA and as well as in the other O.A.1079/91 it will be fit and proper to dispose of this OA with an observation that the validity of the order dated 21.1.1992 (Annexure A2) with which we are concerned in this OA shall be considered in the O.A.1079/91. With the said observation OA is disposed of, leaving the parties to bear their own costs.

T. Chandrasekhar Reddy
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 18th September, 1992 S/16/10/92 Dy. Registrar (J)

(Dictated in Open Court)

Copy to:-

1. The Supdt., of Post Offices, Adilabad Division, Adilabad.
2. The Director of Postal Services, Hyderabad Region, Hyderabad.
3. The Post Master General, Hyderabad Region, Hyderabad.
4. One copy to Sri. S.Rama Krishna Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, SR. CGSC, CAT, Hyd.
6. One spare copy.

Rsm/-

LEAF
P.G.

R.M.
14/10/92

O.A. 462/92

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :
M(JUDL)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

Dated: 18/9/1992

ORDER/JUDGMENT:

R.A. / C.A. / M.A. No.

in

O.A. No.

462/92

T.A. No.

(wp. No _____)

Admitted and interim directions
issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No orders as to costs.

