

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.766/93

Date of Order: 5.11.96

BETWEEN :

D.V.Jogeswara Rao

.. Applicant.

AND

1. The Senior Superintendent of
Post Offices, Bhimavaram
Division, Bhimavaram.
2. Director of Postal Services,
Vijayawada.
3. Post Master General, Vijayawada.
4. Post Master General, Hyderabad. .. Respondents.

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Counsel for the Applicant

.. Mr.K.Sudhakara Reddy

Counsel for the Respondents

.. Mr.N.V.Raghava Reddy

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CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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X Oral order as per Hon'ble Shri B.S.Jai Parameshwar, Member (Judl)

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Heard Mr.K.Sudhakara Reddy, learned counsel for the
applicant and Mr.N.V.Raghava Reddy, learned standing counsel
for the respondents.

2. This is the original application filed by the applicant
praying this Tribunal to quash the order in proceedings No.
ST/13/ED/P-1/90, dated 24.1.90 confirming the order of the
second respondent made in proceedings No.ST/13/ED-7/83-84,
dated 9.5.84 and confirming the order of the Senior Superin-
tendent of Post Offices, Bhimavaram vide memo No.B-10/538,
dated 2.2.84 to declare the same as illegal and unconstitutional

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and for a consequential relief to reinstate the applicant into service from the date of removal from service with all backwages and other benefits.

3. By those orders the respondents 1-3 removed the applicant from service on the charge of disobedience and violation of the rules that he ^{failed to} ~~has not~~ ^{at} resided in Saripalli Village in which the post office is situated.

4. The applicant was appointed as Extra ^{departmental} ~~Branch~~ Branch Post Master on 2.8.75 at Saripally village, Bhimavaram division and was working as such at the time the disciplinary proceedings were initiated against him as per ^{the} Articles of charges dated 23.5.83 (Page-47). Two charges were framed against the applicant for violating the rules in that he failed to reside at Saripally village as stipulated in the ^{order of appointment dated 18.7.75 and that he disobeyed the} order of his official superior when he was deputed to undergo training for refresher course.

5. The enquiry officer conducted enquiry giving sufficient opportunity to the applicant and submitted his report. The disciplinary authority considering the report and disagreeing with certain findings recorded ^{by} the Inquiring authority imposed the punishment. Against the said order the applicant unsuccessfully preferred an appeal. Thereafter he has approached this Tribunal for the reliefs stated above.

6. The respondents in their counter affidavit ~~have~~ ^{stated} that certain allegations were made against the applicant by the public that a preliminary enquiry was conducted and that the applicant was once warned by his official superior and was continued as such. It is stated that on receipt of the instructions from the Respondent No.4 vide his letter No. ST/25-60/82 Trg. dated 10.11.82 from the R-3 vide his order

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was deputed ✓
dated 22.11.82 directing the applicant to undergo training from 21.12.82 to 23.12.82 and that the applicant disobeyed the same.

7. The enquiry officer conducted the enquiry into the said charges and the applicant was removed from service w.e.f. 2.2.84.


8. Thus the respondents submitted there are no merits in the original application.


9. We heard the learned counsel at a considerable length of time and after considering the submissions made by the learned counsel for ^{the applicant} petitioner we felt that the punishment meted out to the applicant ^{may be} is disproportionate to the charges levelled against him.

10. Without going into the merits of the orders passed by the respondents we feel that the Chief Post Master General, A.P.Circle, may give his second thought to the proceedings only with regard to the quantum of punishment. The Chief Post-Master General may take a suitable decision after giving an opportunity to the applicant to ^{make} ~~move~~ representation as regards the quantum of punishment.

11. Time for compliance is 3 months from the date of receipt of a copy of this order.

12. With these observations, the OA is disposed of.
No costs.

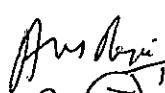

(B.S. JAI PARAMESHWAR)
Member (Judl.)


(R. RANGARAJAN)
Member (Admn.)

Dated : 5th November, 1996

(Dictated in Open Court)

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D.R. (J) 15/11

Typed By
Compared by.

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED: 27/11/96

ORDER/JUDGEMENT
R.A/C.P./M.A.NO.

in
O.A.NO. 766/93

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

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II COURT

