

33

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.No. 813/93

Date: 24.12.96

Between:

K. Mani ... Applicant

and

1. Union of India, rep. by
Secretary,
Ministry of Communications,
New Delhi.

2. Senior Supdt. of Post Offices,
Chittoor Division,
Chittoor.

3. Sub Divisional Inspector (P)
Palamaner Sub Division,
Chittoor Postal Division,
Chittoor.

... Respondents

Mr. K. Anantha Rao ... Counsel for the applicant
(absent)

Mr. V. Bhimanna, Addl. CGSC ... Counsel for the respondents

CORAM

HON'BLE SHRI JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

O R D E R

Oral Order (per Hon'ble Shri Justice M.G. Chaudhari, VC)

Counsel for the applicant absent. Mr. V. Bhimanna.

Additional Standing Counsel for the respondents.

The proceeding sheet in the O.A. does not show that this O.A. was at all admitted at any stage. Curiously enough, the respondents have already submitted counter. It is not clear as to under what circumstances the counter was submitted. The counter is treated as show cause reply for admission as it is contended in the counter that the applicant not having exhausted remedies available under the Act, ^{O.A.} it was premature.

W.M.

Hence in the absence of the counsel for the applicant we have gone through the record.

2. The applicant seeks to challenge the order passed by Respondent-2 on 12.11.92 (i.e. the Appellate Authority) in the disciplinary proceedings held against the applicant, whereby the punishment of removal imposed on the applicant by the disciplinary authority (i.e. SDI(P) was modified to that of Censure with the periods spent under off-duty not to be counted as service for any purpose and directing reinstatement of the applicant in service. The Appellate Authority having agreed with the disciplinary authority on the finding that he was proved to be guilty of the charges levelled against him, that is not open to interference by the Tribunal. Likewise, the penalty imposed also cannot be interfered with. The reasons given by the disciplinary authority and the appellate authority show that the said authorities have acted reasonably and in accordance with the law.

3. The grievance made by the applicant in the OA is relating to the direction to treat the period under put off duty not to be counted in his service. The applicant ought to have approached the respondents in that respect by proper representation and that question is not open to be raised before the Tribunal straightaway and therefore cannot be entertained. The relief sought appears to us to be ill-advised as the applicant seeks to have the entire order dated 12.11.92 set aside, although under that very order he has been re-instated in service after the order of removal was set aside and was let off with the Censure only, which was for the benefit of the applicant himself.

4. For the aforesaid reasons we do not see any ground disclosed to admit this O.A. Accordingly the O.A. is dismissed



acting under Rule 15(1) of the Central Administrative Tribunal (Procedure) Rules, 1987. A copy of the order may be forwarded to the applicant in due course.

H.Rajendra Prasad
Member (Admve.)

M.G.Chaudhari
M.G.Chaudhari (J)
Vice Chairman

24th December, 1996

vm

Avilal 21/12/96
By Regd (J)

24/1/97
I COURT

TYED BY

CHECHED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD
MEMBER(ADMN)

Dated: 24-12-1997

ORDER / JUDGMENT

R.A./R.A/C.A. NO.

D.A.NO.

813/88

R.A.NO.

(d.P.)

Amitted and Interim Directions
Issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

P.V.M.

