

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH :
AT HYDERABAD.

O.A. No. 1525/1993.

Between :

T. Yellaiah.

...

Applicant.

and

Director of Postal Services,
Dak Sadan, Abids,
Hyderabad and another.

...

Respondents.

COUNTER AFFIDAVIT FILED BY THE RESPONDENT NO. 3.

I, V.S. Krishna Murthy, S/o V. Satyam, aged 54 yrs, working as Asst. Director, O/o the Postmaster-General, Hyd. Region, Hyderabad, R/o Hyderabad, do hereby solemnly affirm and sincerely state on oath as follows :

1. I am a responsible officer, working as Asst. Director-I in the O/o the Postmaster-General, Hyd. Region, Hyderabad and I am fully acquainted with the facts of the case. I am filing this counter affidavit on behalf of the 2nd Respondent also.

2. I have read the contents of the copy of the above original application. The various submissions made in the O.A. are denied save those that have been specifically admitted herein under. The applicant is put to strict proof of such averments that have not been traversed here under.

3. 1 to 5 being formal and descriptive need not be replied.

submitted that the applicant has been working as a Postal Asst, w.e.f. 27.11.89. He belongs to ST community. The submission of the applicant that he has been working as a Postal Asst, and without any adverse remarks is far from truth. He was penalised with the penalty of 'Censure' for late attendance on residence at his place of working and for keeping the keys of the

main gate of the office with a class.IV official of the office.

5. In respect of the averments in para-6(ii), it is submitted that a charge sheet under Rule-16 of CCS (CCA) Rules, 1965 was issued to applicant by the SPOs, Peddapally on 18.2.93 for leaving the office earlier than the prescribed working hours on 4.12.92 and for attending the office late on 5.12.92. The applicant submitted his representation on 5.3.93 taking into consideration of the representation of the appellant the SPOs, Peddapally awarded him with the punishment of 'Censure' vide his proceedings dt. 11.10.93.

6. It is submitted that the DPC due to be convened in June 1993. It was convened for consideration of the officials eligible for promotion to the cadre of A.TBOP for the period from 1.4.93 to 31.3.94. Promotion to one eligible official belonging to ST community against the roster point No.17 had also to be considered by the DPC. It is not correct to say that the applicant was the only eligible official for consideration to the DPC. Two officials namely, Sri T. Yellaiah, the applicant herein and Sri D. Kistaiah, who completed 10 years of service by 16.12.93 were eligible for consideration for promotion against roster point No. 17. The report of the officials prepared upto the date of conveying of the DPC. The applicant was proceeded against under Rule-16 of the CCS (CCA) Rules, 1965. The official submitted his representation on 5.3.93. Taking into consideration of the official, the disciplinary authority awarded the penalty of 'Censure' and took into consideration of the fact of awarding the punishment of 'Censure' to applicant which was awarded before the date of conveying the DPC on 18.8.93.

Deponent.

7. The avernments in para-6(v), it is to state that the DPC which met on 18.8.93 considered Sri T. Yellaiah not a fit person to be promoted to higher grade when he has come to adverse notice very recently and penalised for the same. It considered Sri T. Yellaiah who also belonging to ST Community and recommended for promotion from 16.12.93 against roster point No. 17, on which date he would complete 10 years of service.

8. It is submitted that as per Govt. of India instructions No.10 below Rule-11 of CCS (CCA) Rules, 1965 the statutory penalty of 'Censure' awarded to a Govt. servant after following prescribed procedure, will have its bearing on the assessment of his merit or suitability for promotion to higher posts.

9. The avernments in paragraphs 6 to 8 being formal need not be replied.

In the circumstances stated above this Hon'ble Tribunal may be pleased to dismiss the OA with costs as the application filled by the applicant is devoid of merits.

VERIFICATION

I, V.S. Krishna Murthy, S/o V. Satyam, aged 54 yrs, working as Asst. Director, O/o the PMG, Hyd. Region, Hyderabad do hereby verify that the contents of para's 1 to 3 are true to my knowledge and paras 4 to 8 believed to be true on the legal advise and that I have not surpressed any material facts.

Hyderabad.

Dt. 21-7-84.

Attestor

Assistant Director of Postal Services
O/o. The Postmaster-General,
Hyderabad Region, Hyderabad-500 001

Deponent.

Assistant Director of Postal Services
O/o. The Postmaster-General,
Hyderabad Region, Hyderabad-500 001

29

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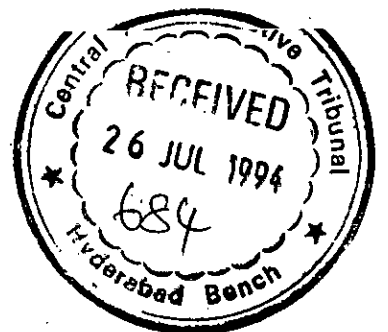
Between :

T. Yellaiah. ... Applicant.
and

Director of Postal
Services, Dak Sadan,
Abids, Hyderabad
and another. ... Respondents.

Received Court
26/2/94
D. S. S. S.

Counter Affidavit



6
27/7/94

Filed by

Koti - Bha. Narayana Rao
Addl. C.A. Sc.

May be Filed
26/7/94