

HYDERABAD

OA No. 336/93

Date of judgement: 16-4-93.

Between

Shri C.P. David : Applicant

And

1. Union of India rep. by
the Secretary, Ministry
of Communications,
New Delhi-110 001.
2. Director of Postal Services,
% the Postmaster-General,
Hyderabad Region,
Hyderabad-500 001.
3. Senior Superintendent,
of Post offices,
Nizamabad Division,
Nizamabad-503 003. : Respondents

COUNSEL FOR THE APPLICANT : Shri T. Jayant

COUNSEL FOR THE RESPONDENTS : Shri N.R. Devaraj.

CORAM

Shri
Hon'ble Justice/V. Neeladri Rao, Vice-Chairman.

Hon'ble Shri P.T. Thiruvengadam, Member (Admn.)

(Judgement of the division bench delivered by Justice
Shri V. Neeladri Rao, Vice-Chairman).

Heard Shri T. Jayant, learned counsel for
the applicant and also Shri N.R. Devaraj, learned
counsel for the respondents.

The applicant served as Extra Departmental
Branch Postmaster, Chandur. He was removed by an
order dated 25-3-91 passed by the Respondent 3
after enquiry. The same was confirmed by the
Respondent 2, the appellate authority by the order
dated 31-3-92. The same is assailed in this OA.
One of the contentions for the applicant is that

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without advertng to his request for extension of time for submitting the representation against the findings of the Inquiry officer in regard to charges 2 & 3. The Appellate authority has also not adverted to this request.

Shri N.R. Devaraj, learned Standing Counsel for the respondents submitted that there was no reference about the receipt of the letter of the applicant praying for extension of time either by the Respondent 3, the disciplinary authority or Respondent 2, the appellate authority, ^{and} Thus it is a case where it was not received by the disciplinary authority.

When it is the contention of the applicant that he has addressed ~~only~~ by a post card requesting for extension of time, the possibility of loss of the same ^{in transit can} ~~should~~ be taken note of. Hence in these circumstances it is just and proper to give an opportunity to the applicant to ^{make} his representation to the disciplinary authority as against the findings given by the Enquiry officer. In view of the above, there is no need to express anything ^{at this stage} in regard to other contentions raised for the applicant. Accordingly, the order dated 25-3-91 removing the applicant from service which is confirmed by the appellate authority by the order dated 31-3-92 is set aside. The applicant has to submit his representation to Respondent 3, the disciplinary authority as against the findings of the Inquiry officer on charges 2 & 3 by sending the same by Regd. post acknowledgement due by 15th June, 1993, and on receipt of such representation ^{or} by the disciplinary authority, Respondent 3 by 30th June, '93, Respondent 3 can proceed with the matter. The question as to whether the applicant has to be reinstated or not depends upon the final order that is going to be passed

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by the disciplinary authority. It is needless to say that if the applicant is aggrieved by the order of Respondent 3, he will have a right to prefer an appeal and if again he is aggrieved by the order of the appellate authority, he can move this Tribunal. The OA is disposed of accordingly at the admission stage itself with no costs.

The office has to communicate this order to Respondent 3 by 30-4-93.

P. T. Thiruvengadam

(P.T. Thiruvengadam)
Member (Admn.)

V. Neeladri Rao

(V. Neeladri Rao)
Vice-Chairman

Open Court dictation

Dated 16th April, 1993.

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Dy. Registrar (Judl.)

NS

Copy to:-

1. Secretary, Ministry of Communications, Union of India, New Delhi-001.
2. Director of Postal Services, O/O Postmaster General, Hyderabad Region, Hyderabad-001.
3. Senior Superintendent of Post Offices, Nizamabad Division, Nizamabad-003.
4. One copy to Sri. T.Jayant, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One spare copy.

Rsm/-

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TYPED BY

COMPARED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

P. Thiruvengadam
THE HON'BLE MR. K. BALASUBRAMANIAN :
MEMBER (ADMN)

AND

THE HON'BLE MR. T. CHANDRASEKHAR
REDDY : MEMBER (JUL)

DATED:

16/4/-1993

ORDER/JUDGMENT

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

in

O.A.No.

336/93

T.A.No.

(W.P.No.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed as withdrawn.

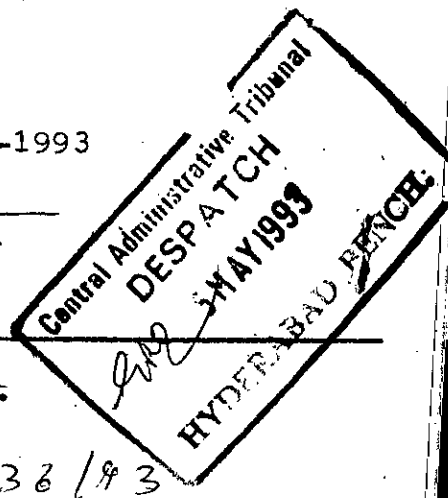
Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm



[Signature]
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