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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.385/93

Date of Order: 27.9.1993

BETWEEN:

K.Bikshalu

.. Applicant.

A N D

The Superintendent of
Post Offices, Tenali
Division, Tenali.

.. Respondent.

Counsel for the Applicant

.. Mr.P.V.Krishnaiah

Counsel for the Respondent

.. Mr.N.V.Ramana

CORAM:

HON'BLE SHRI A.B.GORTHY : MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

For
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Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, member(Adma.).

The grievance of the applicant herein is against the imposition of the minor penalty of withholding of one increment for a period of one year without cumulative effect.

The applicant while working as LSGPA at Repalli Head Office was served with a charge memo dt. 16.2.1993. The allegation in the charge memo^{was} that there was a deficiency of Rs.617/- in cash balance under the charge of the applicant. The respondents proposed to impose a minor penalty and accordingly called for the explanation of the applicant. The applicant sought some additional documents and also extra time to prepare his defence. While the statements of the applicant dt. 9.12.1992 recorded in the presence of ASPO, Repalli was furnished to the applicant, two other documents namely the ASPO's report and the Past Work Verification report were not furnished to him. His request for extension of time by 8 days beyond 15.3.93 was also rejected. As the applicant did not furnish any reply to the charge memo the competent authority passed the impugned order on 29.3.1993.

3. We have heard learned counsel for both the parties. Mr.P.V.Krishnaiah has shown us documents which sufficiently indicate that the applicant was suffering from^a heart attack during the period March/April 1993 and

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27/3/93

To

1. The Superintendent of Post Offices,
Tenali Division, Tenali.
2. One copy to Mr.P.V.Krishnaiah, Advocate, 5-1-708/2
Bank Street, Hyderabad.
3. One copy to Mr.N.v.Ramana, Addl.CGSC. CAT.Hyd.
4. One copy to Library, CAT.Hyd.
5. One spare copy.

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that he was also an in-patient in a Nursing Home from 21.3.1993 to 1.4.1993. It is further seen that he was receiving treatment as an out patient from Osmania General Hospital, Hyderabad from 22.4.1993. From the documents shown to us it is apparent that the applicant was indeed in-disposed at the relevant time and that his request for extension of time could have been sympathetically considered by the competent authority instead of rejecting the same.

4. In these circumstances we are of the considered view that the applicant has been denied due opportunity to put across his defence. Accordingly the impugned ^{penalty} order dated 29.3.1993 is hereby set aside. We direct the respondents to furnish copies of ASP's report and past work verification report to the applicant within one week. If any of the documents ^{is} ~~are~~ not available the applicant will be so informed. The applicant shall submit his defence to the charge memo dated 16.2.1993 to the competent authority within ^{2 weeks} ~~from~~ the date of communication of this order and the competent authority shall thereafter, taking into consideration the explanation offered by the applicant, pass an appropriate order within 4 weeks of receipt of the explanation.

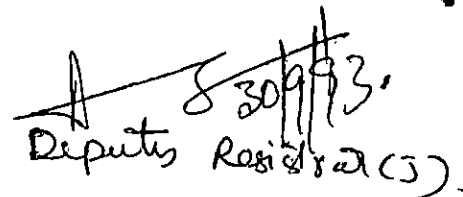
5. The application is disposed of in the above terms. There shall be no order as to costs.


(T. CHANDRASEKHARA REDDY)
Member (Judl.)


(A.B. GORTHI)
Member (Admn.)

Dated: 27th September, 1993

(Dictated in Open Court)


Deputy Registrar (S)

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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

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

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 27-9 -1993.

~~ORDER~~/JUDGMENT:

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

in

O.A.No. 385/93.

T.A.No. (W.P.)

Admitted and Interim directions
issued

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

