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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1099 of 1993

DATE OF JUDGMENT:15th September, 1993

BETWEEN:

Mr. T.Narayana .. Applicant

AND

Union of India represented by:

1. The Director of Postal Services,
Kurnool,
Office of the Postmaster General,
APSR 518005.

2. The Superintendent of Post Offices,
Kurnool-518001.

3. The Sub Divisional Inspector (Postal),
Adoni Sub Division,
Adoni. ..

Respondents

HEARD:

COUNSEL FOR THE APPLICANT: Mr. KSR Anjaneyulu, Advocate

COUNSEL FOR THE RESPONDENTS: Mr. N.V.Raghava Reddy, Addl.CGSC

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI P.T.THIRUVENGADAM, MEMBER (ADMN.)

JUDGMENT

(As per Hon'ble Shri Justice V.Neeladri Rao, Vice Chairman)

This OA is filed challenging the impugned order dated 9.11.1992 of the 2nd respondent, the disciplinary authority, whereby the applicant's pay was reduced by two stages for a period of two years with cumulative effect, and the order dated 16.8.1993 of the 1st respondent, the revisional authority,

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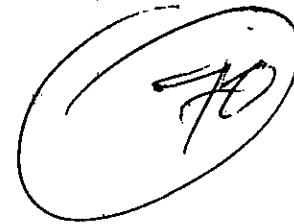
whereby the punishment was enhanced by reverting the applicant to the lower post of Group 'D' for a period of three years, as arbitrary, illegal and unsustainable.

2. There is an infirmity in the order of the 1st respondent as it is the case of reverting the applicant to the lower post of Group 'D' even when he had not worked in that post and ^{as} he was a direct recruit to the post of Postman in Group 'C'. On that ground, the order dated 16.8.1993 of the 1st respondent has to be set-aside.

3. The Inquiry Officer held that the applicant was not guilty of any of the three charges framed. But the 2nd respondent, the disciplinary authority, deferred from the findings given by the Inquiry Officer and held the applicant guilty and awarded the punishment as already referred to. But the said order also is illegal, for, the 2nd respondent had not given any show cause notice to the applicant stating as to why he would defer from the findings given by the Inquiry Officer. Hence, the order dated 9.11.1992 is liable to be set-aside. Hence, the question of remitting the matter to the 1st respondent at this stage does not arise.

4. But, we have leave to the 2nd respondent to consider as to whether the inquiry has to be continued and if he decides to continue the inquiry, he has to issue a show cause notice to the applicant stating the reasons as to why he would defer from the findings given by the Inquiry Officer and requiring the applicant to submit his objections, if any, in regard to the same within a time stipulated by him (2nd respondent) and then to proceed in accordance with the law.

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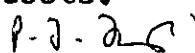


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It is needless to say that if an order is going to be passed by the 2nd respondent ^{and} if there ~~are~~ ^{warrant} circumstances ~~warranting~~ revision, it is open to the 1st respondent to proceed in accordance with the law. It is also open to the applicant to move this Tribunal if he is aggrieved by any order of the 2nd respondent, and ~~is~~ ^{if any} order of the 1st respondent, ~~if any~~.

5. The OA is ordered accordingly at the admission stage.

No costs.

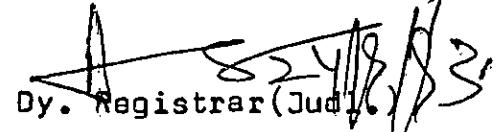


(P.T. THIRUVENGADAM)
MEMBER (ADMN.)


(V.NEELADRI RAO)
VICE CHAIRMAN

DATED: 15th September, 1993.
Open Court dictation.

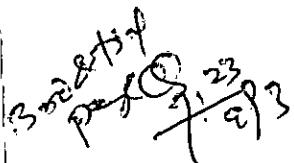
vsn


Dy. Registrar (Jud.)

Copy to:-

1. The Director of Postal Services, Kurnool, O/O Post Master General, APSR-005.
2. The Superintendent of Post Offices, Kurnool-001.
3. The Sub Divisional Inspector (Postal), Adoni Sub Division, Adoni.
4. One copy to Sri. K.S.R. Anjaneyulu, advocate, CAT, Hyd.
5. One copy to Sri. N.V. Raghava Reddy, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-


S. S. S. 23/9/93

O.A. 1099/93

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: 15/9/ -1993

ORDER/JUDGMENT:

M.A/R.A/C.A.N.

in

O.A. No. 1099/93.

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.

27 SEP 1993

pvm