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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL-APPLICATION-N0.1172-OF-1994

DATE-OF-ORDER:- 16th June, 1997

BETWEEN:

V.KRISHNAM RAJU

.. APPLICANT

AND

C/o PMG, Visakhapatnam,

2. The Superintendent of Post Offices,
Kakinada Division,

3. The Complaints Inspector, C&PG,
O/o SPOs, Kakinada Division,
Kakinada & Presenting Officer,

4. The Sub Divisional Inspector (Postal),
Kakinada.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.M.VINOBHA DEVI

COUNSEL FOR THE RESPONDENTS: Mr.NV RAGHAVA REDDY, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

None for the applicant. Heard Mr.N.V.Raghava Reddy, learned standing counsel for the respondents.

2. As the application was filed in the year 1994, we are disposing it of on the basis of the material available on record under rule 15(1) of the Central Administrative Tribunal (Procedure) Rules, 1987.

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3. The applicant was appointed as a permanent Branch Post Master, Chintaluru, Prothipadu (Mandal), East Godavari District on 16.11.88. He was placed on put off duty by R-4 on 12.1.92 which was ratified by R-2 by the order dated 29.1.92. The applicant made an appeal for reinstating him back. By the Memo No.ST/13-105/VKR dated 17.2.94 the appeal for revocation of put off order was rejected.

4. This OA is filed to set aside the proceedings No.ST/13-105/VKR dated 17.2.94 whereby his appeal for reinstating him was rejected ^{and} by confirming the proceedings of R-4 dated 12.1.92 in Memo NO.PF/BPM/Chintaluru and for a monetary benefits.

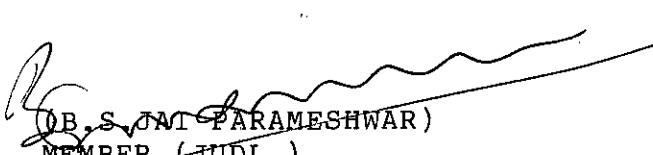
5. From the above order, it is very clear that the applicant requests for setting aside the put off duty order of R-4 and rejection ^{of} ~~order on~~ his appeal issued by R-1 by memo dated 17.2.94.

6. A Reply affidavit has been filed in this OA. In Para 11 of the reply affidavit it is stated that the inquiry under Rule 8 of EDA (C&S) Rules, 1964 had been finalised and the proceedings imposing the penalty of removal from service were issued by the disciplinary authority (R-2) vide Memo No.F3/6/91-92 dated 28.7.94 i.e., ~~prior to the filing~~ ^{on} receipt of the OA, by The disciplinary authority based on the evidence adduced during the formal inquiry held. The applicant has not challenged the removal order dated 28.7.94. This OA was filed on 5.7.94 ie, earlier to passing of the removal order. However, the applicant after

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having received the removal order dated 28.7.94 should have challenged that order also by amending the prayer. Though the learned counsel for the respondents submits that an M.A. for amendment was given to him, we do not find any trace of that M.A. in this OA. It is also seen that the M.A. reported to have been handed over to the learned ~~for the respondents~~ is not numbered. In the order sheet also we find that there is no ~~.....~~ filing of the M.A. Hence it has to be held that the applicant has failed to challenge the removal order dated 28.7.94. He has challenged only the put off order dated ~~.....~~ of his appeal with a prayer to reinstate him by setting aside the put off duty order dated 17.2.94. Even if the present OA is allowed, the applicant cannot be reinstated back into service as he has already been removed from service and that order is not challenged. Hence in that view it has to be held that this OA cannot be sustained. Hence the OA has to be dismissed. However, the applicant, if so advised, may challenge the relevant removal order in accordance with law.

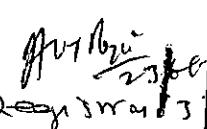
7. In the result, the OA is dismissed as not sustainable. However, this dismissal does not preclude the applicant from challenging the removal order dated 28.7.94 in accordance with law. No order as to costs.


(B. S. SATYARAMESHWAR)
MEMBER (JUDL.)


(R. RANGARAJAN)
MEMBER (ADMN.)

16-6-97

DATED:- 16th-June, 1997
Dictated in the open court.


D. R. RANGARAJAN

case
377/97

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HYD 102

COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI G. M. RAJNESHWAR: M
(J)

DATED:

16/6/97

ORDER/JUDGEMENT

MA/1072/1997

C.A. No.

1172/97

Order/Direction are as follows:

Allowed

Dismissed or with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No order as to costs.

YLKR

II Court.

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

मेमो/DESPATCH

- 4 JUL 1997

हैदराबाद आयोग
HYDERABAD BENCH