

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.189/94

dt.20-2-97

Between

P.V. Subrahmanyam : Applicant

and

1. Post master -----  
Vijayawada

2. Director of Postal Services  
Vijayawada

3. Senior Supdt. of Post Offices  
Nellore : Respondents

Counsel for the applicant L: P. Sridhar Reddy  
Advocate

Counsel for the respondents : V. Sheemanna  
Addl. CGSC

CORAM

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

HON. MR. B.S. JAI PARAMESWAR, MEMBER (JUDL)

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## Judgement

Oral order (per Hon. Mr. B.S. Jai Parameswar, Member(J)

None for the applicant. <sup>Heard</sup> Mr. V. Bhimanna for the respondents.

1. The applicant in this OA was working as EDBPM, Chintopu village post office, Nellore District. It is submitted that on 2-2-1993 Mail Overseer inspected the and Branch Post office on 3-2-1993 obtained his letter of resignation under suspicious circumstances. It is further stated that on 11-2-1993 the applicant submitted a representation to the respondents seeking permission to withdraw his letter of resignation explaining the circumstances. However, the Superintendent of Post Offices Nellore District, Nellore, by order dated 11-2-1993 put <sup>the applicant</sup> him off <sup>the applicant</sup> from duty <sup>the applicant</sup> on disclosures of certain irregularities in the disbursement of Family Pension and Money orders. On 22-2-1993 the applicant submitted a representation against his putting off from duty and prayed for reinstatement. However, the SPO of Nellore Division, Nellore, by <sup>the</sup> impugned order accepted the <sup>the</sup> resignation tendered by the applicant. It is this order that <sup>has been</sup> was challenged by the applicant in this OA. The applicant has challenged this impugned order as illegal, arbitrary and without jurisdiction and consequently to reinstate him into service.

2. The respondents filed their counter stating the circumstances under which he was put off from duty and further stated that the applicant was working as VAO and that he himself voluntarily submitted resignation. That in the Staff Adalat he made a presentation to the

Post Master General, Vijayawada, about his case and prayed for acceptance of his resignation and that ~~therefore~~ <sup>the</sup> impugned order was passed.

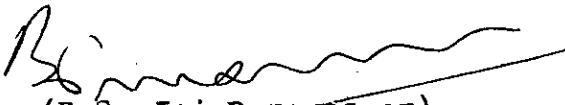
3. We feel that the impugned order could not have been passed under the following circumstances :

- a) The impugned order does not state the date of letter of resignation submitted by the applicant. If ~~the~~ Superintendent of Post Offices, ~~wanted to insist~~ <sup>relied upon</sup> the letter of resignation <sup>dated</sup> ~~on~~ 3-2-1993 it could not have been accepted because by 12-2-1993, the applicant had ~~already~~ sought for withdrawal of the same.
- b) The Superintendent of Post Offices ~~would~~ not have accepted the resignation when he was put off from duty by his order dated 11-2-1993.
- c) When the SPO became aware that the applicant was working as ~~VAO~~ and the same was against <sup>the</sup> conduct rules as submitted by the learned counsel for the respondents, the SPO should have proceeded against for accepting <sup>post</sup> of VAO while working as ~~EDBPM~~.
- d) When no rules have been brought to our notice to show when an ED Staff <sup>was on</sup> ~~could be~~ put off duty, his resignation <sup>could</sup> ~~can~~ <sup>be</sup> accepted even if the PMG desires so. In the absence of production of such rules, it ~~had~~ to be held that the acceptance of the resignation under the instructions of PMG, Vijayawada, is arbitrary and irregular.

4. Therefore, we are of the view that the impugned order dated 9-7-1993 is without jurisdiction and against ~~the~~ <sup>but</sup> rules. Hence, we have no other alternative ~~than~~ to set aside the same. Further action in regard to continuation

in ~~put off~~ <sup>the applicant</sup> duty or reinstating is left to the Departmental authorities to act in accordance with the rules.

5. In the result the OA is allowed to the extent as indicated above. No order as to costs.

  
(B.S. Jai Parameswar)

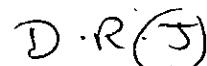
Member (Judl.)

  
20.2.97

(R. Rangarajan)

Member (Admn)

Dated : 20 Feb., 97  
Dictated in Open Court

  
D.R.(J)

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TYPED BY  
COMPARED BY  
CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD

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

AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR:  
M(J)

DATED: 20/2/97

Order/Judgement  
R.P/C.P/M.A.NO.

in

O.A.NO. 189/94

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YUKR

केन्द्रीय प्रशासनिक अधिकारण

Central Administrative Tribunal

प्रकाश/DESPATCH

13 MAR 1997

हैदराबाद आयोडी  
HYDERABAD BENCH