

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. 450/94

Dt. of Decision : 18.4.1994.

M. Yellaiah

.. Applicant.

1. The Superintendent of Post Offices,
Adilabad Division, Adilabad.

2. The Director of Postal Services,

.. Respondents.

Counsel for the Applicant : Mr. S. Ramakrishna Rao

Counsel for the Respondents : Mr. N.V. Raghava Reddy,
Addl. CGSC.

CORAM:

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

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

O.A.450/94

Dt. of Decision: 18.4.94

ORDER

[As per Hon'ble Shri T. Chandrasekhara Reddy, Member(Judl.)]

An application filed under Section 19 of the Administrative Tribunals Act, 1985, against the dismissal order dated 18.2.94 passed as against the applicant and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

2. The facts so far necessary to adjudicate this brief, are as follows:-

3. The applicant was working as Postal Assistant in the year 1986 at Mancherial. While so, the applicant was deputed to work as Postal Assistant at Bellampalli in the month of January and February, 1986, at SB Accounts seat. For the alleged misconduct committed by the applicant when he worked as Postal Assistant in the SB Counter at Bellampalli Post Office, a charge memo was issued as against the applicant. An Enquiry Officer was appointed and a regular inquiry was conducted. The Enquiry Officer submitted his report on 4.1.94 holding that, the first charge as against the applicant was not proved, and the second charge as against the applicant was proved. A copy of the Enquiry Report was also furnished to the applicant, by the Disciplinary Authority who is the first respondent herein. The applicant on 24.1.94 submitted his representation to the first respondent as against the findings of the Enquiry Officer. The first respondent, who is the Disciplinary authority, as per orders dated 18.2.94, dismissed the applicant, from service, accepting the findings of the Enquiry Officer in Enquiry Report dated 4.1.94. The applicant preferred an

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appeal on 28.2.94 as against the dsimissal order of the first respondent dated 18.2.94. The applicant has filed the present OA on 4.4.94, for the relief as already indicated above.

4. We have heard today, Mr S.Ramakrishna Rao Counsel for the applicant and Mr NV Raghava Reddy, Standing Counsel for the respondents. It is contended by the learned counsel for the applicant that there ~~is an emergency~~ issuing the charge memo as against the applicant, from the date of the alleged misconduct that had been committed, and in view of the un-explained delay, the Disciplinary authority was not justified in passing the orders of dismissal as against the applicant. He had also pleaded before us that certain irregularities had been committed by the Enquiry Officer while conducting the disciplinary inquiry as against the applicant.

5. The appellate authority, admittedly, has six months time to dispose of the appeal dated 28.2.94 preferred by the applicant, as against the dismissal order dated 18.2.94 passed by the first respondent. But, without waiting for six months, the applicant has rushed to this Tribunal as already indicated on 4.4.94. So, as the matter is still pending before the appellate authority, it will not be proper for this Tribunal to go into the merits of this OA and give findings in one way or the other, that may ultimately influence the appellate authority and thus cause prejudice either to the applicant or to the respondents. So, in view of this position, we are of the opinion that, it would be fit and proper to dispose

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of this OA by giving appropriate directions to the appellate authority, who is the second respondent herein. Hence, the second respondent is hereby directed to dispose of the appeal ~~is~~ preferred by the applicant on 28.2.94 within two months from the date of communication of this order, bearing in mind all the grounds raised in the appeal preferred by the applicant.

The applicant would be at liberty to approach this Tribunal afresh, in accordance with law, if the applicant continues to be aggrieved by the orders passed by the appellate authority (that is second respondent herein) on his appeal dated 28.2.94. No costs.

(R. RANGARAJAN)
Member (Admn)

(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 18th April, 1994

(Dictated in the Open Court)

mvl

M. B. Jagannathan
Deputy Registrar (Judl.)

Copy to:-

1. The Superintendent of Post Offices, Adilabad Division, Adilabad.
2. The Director of Postal Services, Hyderabad Region, Hyderabad.
3. One copy to Sri. S. Ramakrishna Rao, advocate, CAT, Hyd.
4. One copy to Sri. N.V. Raghava Reddy, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

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O.A. 45079

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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 (AD)

AND

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

AND

THE HON'BLE MR. R. RANGARAJAN : M (ADMN)

Dated: 12/11-1994

ORDER/JUDGMENT

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

O.A.No. in 45079

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.

Central Administrative Tribunal
DESPATCH
20 MAY 1994
HYDERABAD BENCH.