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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 58/95.

Dt. of Decision : 1-10-97.

Eddanapudi Sundara Rao

... Applicant.

Vs

1. The Union of India rep. by the Chief Postmaster General, Andhra Circle, Hyderabad.
2. The Postmaster General, Vijayawada Region, Vijayawada.
3. The Superintendent of Post Offices, Narasaraopet Division.

... Respondents.

Counsel for the applicant : Mr.K.S.R.Anjaneyulu
Counsel for the respondents : Mr.V.Bhimanna, Addl.CGSC.

CORAM:-

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

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

See

..2

ORDER

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

Heard Mr.K.S.R.Anjaneyulu, learned counsel for the applicant and Mr.V.Bhimanna, learned counsel for the respondents.

2. The applicant was working as EDBBM, Eddanapudi Branch Post office. On 31-1-91 he was served with a chargememo under Rule 8 of the EDDA Service Rules. An enquiry was conducted into the said charge memo. On 29-3-93 the enquiry officer submitted his report. On 25-5-93 the applicant was removed from service by the R-3. On 24-6-93 the applicant submitted an appeal to the R-2 against the order of removal. On 5-4-94, R-2 rejected the appeal and confirmed the punishment of removal (Annexure-XII). The R-2 dismissed the appeal only on the ground that the appeal preferred by the applicant was barred by time. The appellate authority has not considered the appeal of the applicant on merit. Thereafter the applicant submitted a petition to the Post Master General on 17-5-94 and the same came to be rejected on 16-9-94.

3. ~~the appeal~~

order of removal imposed on him by the Superintendent of Post Offices, Narasaraopet with all consequential benefits.

4. During the course of hearing the learned counsel for the applicant submitted that the view taken by the appellate authority that the appeal was beyond time was not correct and that the appellate authority had not recorded any reasons. That the learned counsel further submitted that the working in the Branch post office was flexible in nature. In view of the said fact, the applicant had also worked as a School Teacher and that there was no complaint from the public as regards working of the Branch Post office. Hence the working of the Branch office and taking his other duties as a School Teacher the applicant discharged his duty.

satisfactory without any complaint from any sources. Mere flexibility in the working hours of the branch office as was done in the case of others also ~~with~~ which was not been adversely commented upon by the respondent authorities.

5. In view of that, the removal order of the applicant on that ~~square~~ itself was unwarranted and discriminated.

6. However we do not want to express any opinion on these matters as the submission made by the applicant's learned counsel needs verification only at the concerned respondent's level. As the appeal of the applicant was rejected on the ground limitation, we feel that the points mentioned above needs consideration. Instead of rejecting the appeal of the applicant on the point of limitation, we feel it proper to set aside ~~that~~ the appellate order and the order of the Postmaster General and to remit the matter to the appellate authority to ^{the appeal} decide afresh in accordance with law.

7. In that view, the following directions are given:-

(a) The order No. ST-IV/Misc./1 dt. 5-4-94 (Annexure-XII) and the Postmaster General order No. ST-15/ED/P-2/94 dt. 16-9-94 (Annexure-I) are set aside.

(b) The appellate authority i.e., R-2 is hereby directed to consider the appeal of the applicant on merits within two months from the date of receipt of a copy of this order.

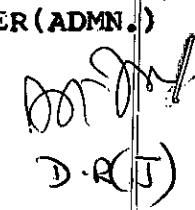
(c) In case the applicant desires for a personal hearing the appellate authority shall give an opportunity to the applicant

8. With the above directions the OA is disposed of. No order as to costs.


(B.S.JAI PARAMESHWAR)
1. MEMBER(JUDL.)


(R. RANGARAJAN)
MEMBER(ADMN.)

Dated : The 01st Oct. 1997.
(Dictated in the Open Court)


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OA.58/95

1. The Chief Post Master General, Andhra Circle, Hyderabad.
2. The Post Master General, Vijayawada Region, Vijayawada.
3. The Superintendent of Post Offices, Narasaraopet Division.
4. One copy to Mr. K.S.R.Anjaneyulu, Advocate, CAT., Hyd.
5. One copy to Mr. V.Bhimanna, Addl.CGSC., CAT., Hyd.
6. One copy to M.R.(A), CAT., Hyd.
7. One copy to HBSJP, M(J), CAT., Hyd.
8. One duplicate copy

srr

27/10/97

(8)

TYPED BY
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 B.S.JAI PARAMESHWAR :
M (J)

Dated: 11/10/97

ORDER/JUDGMENT

M.A/R.A/C.A.NO.

in

D.A.NO. 58195

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
ट्रैस्य/DESPATCH

21 OCT 1997

HYDERABAD HYD
HYDERABAD HYD