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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No.639/95.

Date of decision: 11--3-1998.

Between:

G. Parameswara Rao. .. Applicant

and

1. The Superintendent of Post Offices,
Gudur Division, Gudur.
2. The Director of Postal Services,
Office of the Post Master General,
Vijayawada.
3. The Post Master General, Vijayawada
Region, Vijayawada. .. Respondents.

Counsel for the applicant: Sri K. Venkateswara Rao.

Counsel for the respondents: Sri N.R. Devaraj.

CORAM:

Hon'ble Sri R. Rangarajan, Member (A)

Hon'ble Sri B.S. Jai Parameshwar, Member (J)

JL

JUDGMENT.

(per Hon'ble Sri B.S. Jai Parameshwar, Member (J))

Heard Sri K. Venkateswara Rao, the learned counsel for the applicant and Sri N.R. Devaraj, the learned standing counsel for the respondents.

The applicant was proceeded against for certain irregularities under Rule 8 of E.D.A. (Conduct and Service) Rules, 1964. Charge-sheet dated 3.7.1992 was issued by the Superintendent of Post Offices, Gudur Division, Gudur. The applicant denied all the charges. A detailed enquiry was conducted. On 29-1-1994, the Enquiry Officer submitted his report. ~~on 29-4-1994~~. A copy of the report of the Enquiry Officer was furnished to the applicant. The applicant submitted his representation dated 9-5-1994 against the findings of the Enquiry Officer. After considering his representation, the Superintendent of Post Offices, Gudur imposed the penalty of removal of the applicant by his order dated 23.5.1994.

Against the said order of punishment the applicant preferred an appeal dated 27-7-1994 to the Director of Postal Services, Vijayawada. The Director of Postal Services by his Order dated 26-10-1994 modifying the penalty of removal from service to that of debarring the applicant from appearing in the Departmental Examination

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for a period of three years from the date of the order. The Appellate Authority further stated that the Postmaster General, Vijayawada is the revisional Authority of his Order and that the applicant so desired, he may submit a revision petition in accordance with Rule 21 of the C.C.S (CCA) Rules. As per the orders of the Appellate Authority the applicant was reinstated on 6-4-1995.

The Postmaster General in exercise of the powers conferred under Rule 16 of the EDAs (Conduct and Service) Rules, 1964 issued notice to the applicant proposing the revision of penalty imposed by the Appellate Authority and calling upon the applicant to submit his representation. The applicant was served with that Notice on 8-4-1995, and he submitted his representation dated 21.4.1995.

The Postmaster General after considering the entire material on record and the representation dated 21.4.1995 of the applicant imposed the penalty of removal of the applicant from service by Proo., dated 26-4-1995. Accordingly, the applicant was removed from service.

The applicant has filed this O.A., challenging the orders passed by the Authorities. As regards the quantum of punishment to be imposed on the applicant, there are divergent views in the orders of the Disciplinary Authority, Appellate Authority and the Revisional Authority.

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This Tribunal cannot interfere with the decision of the Revisional Authority. Since the Revisional Authority has reviewed the punishment imposed by the Appellate Authority imposing the penalty of removal from service and because of the imposition of higher penalty, the Revisional Authority has become the Disciplinary Authority.

It may not be proper for us to scrutinize the impugned order as the applicant has an opportunity to prefer an appeal against the said order.

We, therefore, issue the following directions:

- (a) The applicant may if so advised submit a detailed representation to the appropriate Appellate Authority within a period of one month from the date of receipt of a copy of this Order
- (b) If such a representation is received by the appropriate appellate authority within the time stipulated, then the appropriate Appellate Authority shall decide the appeal on merits without going into the question of limitation, expeditiously, preferably within four months from the date of receipt of the representation/appeal from the applicant.

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(c) In case the applicant desires an opportunity of being heard the same shall be given to the applicant by the appropriate Appellate Authority.

With the above directions, the O.A., is disposed of. No order as to costs.


B.S.JAI PARAMESHWAR,

Member (J)

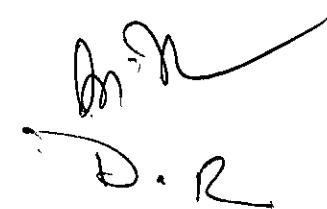
11-3-98


R.RANGARAJAN,

Member (A)

Date: 11-3-1998-

Dictated in open Court.


D.R

SSS.

OA.639/95

Copy to :-

1. The Superintendent of Post Offices, Gudur Division, Gudur.
2. The Director of Postal Services, O/o The Post Master General, Vijayawada.
3. The Post Master General, Vijayawada Region, Vijayawada.
4. One copy to Mr.K.Venkateswara Rao, Advocate, CAT., Hyd.
5. One copy to Mr. N.R.Devaraj, Sr.CGSC., CAT., Hyd.
6. One copy to BSJP M(J), CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate.

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26/3/98
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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

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

DATED : 11/3/98

ORDER/JUDGMENT

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

in

C.R.NO.

639/95

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

YLKR

