

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 650/95

Date of Order : 18.3.98

BETWEEN:

M.Phani Chandra Rao

.. Applicant.

AND

1. Union of India, rep. by
the Post Master General,
Vijayawada Region, A.P.Circle,
Vijayawada.

2. Senior Superintendent of Post
Offices, Guntur Division,
Guntur.

3. Post Master, Guntur Post Office,
Bazar P.O., Guntur Town & Dist.

.. Respondents.

- - -

Counsel for the Applicant

.. Mr.G.V.L.N.Murthy

Mr. H. Bhimanna

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CORAM:

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

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

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O R D E R

{ As per Hon'ble Shri B.S.Jai Parameshwar, Member (J) }

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None on either side. The OA was filed during the year 1995, hence we were not inclined to adjourn the proceedings suo-moto. Hence the OA is decided on the basis of the available material in accordance with Rule 15(1) of the C.A.T.(Procedure) Rules 1987.

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2. The applicant was appointed as Post Man under relaxation of normal recruitment rules to the cadre of Post Man, Guntur with the approval of the Post Master General, Vijayawada Region, A.P.Circle, Vijayawada vide memo No.ST/31/WLF, dated 18.12.92. The applicant was allotted to Guntur Postal Division, Guntur for absorption as Postman by Senior Superintendent of Post Offices, RMS, Y Division, Vijayawada vide his letter dated 21.12.92 addressed to Senior Superintendent of Post Offices, Guntur Post Office, Guntur. The applicant was deputed for undergoing practical training at Guntur Head Post Office and theoretical training under the office of the Assistant Superintendent of Post Offices, Head Quarters, for a period of 10 days from 10.3.93. The applicant assumed charge of Post Man Bazar Post Office, Guntur.

3. By proceedings No.B.II/133/MPR, dated 20.4.95 the applicant was served with a notice stating that his services ^{would} stand terminated w.e.f. the date of expiry of a period of one month from the date on which the notice ^{was} ~~is~~ tendered to him under Rule 5 of the Central Civil Services (Temporary Services) Rules, 1965.

4. The applicant has filed this OA challenging the order of termination dated 20.4.95 as illegal and arbitrary and for a consequential direction to the respondents to continue him in the post of Post Man, Guntur Bazar Post Office without any hindrance.

5. On 16.5.95 an interim order was passed suspending the order dated 20.4.95.

6. The respondents have filed the counter stating that the applicant was appointed as Post Man on compassionate grounds on account of the death of his father, and that the applicant joined duty on 8.4.93, that subsequently on police verification they came to know that the applicant was involved in Crime

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No.103/92 under Section 110-A and C of the Code of Criminal Procedure within Satyanarayana Puram Police Station limits and he was bound over by the Commissioner of Police for a period of six months after obtaining a bond for Rs.2000/- with 2 surities for Rs.2000/- and that the applicant was also involved in Criminal Cases No:1951 to 1955/92 under Section 509 of the Indian Penal Code within Satyanarayana Puram Police Station limits and these criminal cases were pending trial before the III Munsif Magistrate Court, Vijayawada and that the applicant while reporting ^{for} the duty had suppressed the said facts and the attestation form submitted by the applicant was not correct in all respects. Hence the impugned action was taken.

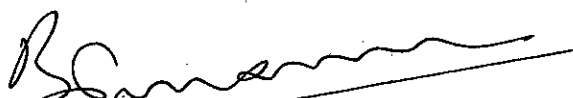
7. The respondents have given notice dated 20.4.95 under Rule 5(1) of the CCS (Temporary Service) Rules 1965. The services of the applicant ^{were} ~~should~~ terminated w.e.f. the date of expiry of the period of one month from the date on which the said notice was served. However, by the interim order the operation of the said notice was suspended.

8. The respondents have disclosed the reasons for terminating the services of the applicant. It is their main contention that they came to know on police verification the applicant ^{was} involved in criminal proceedings and that therefore the respondents thought it proper to terminate the services of the applicant under Rule 5(1) of the CCS (Temporary Service) Rules 1965. The respondents have given ^{the} details of the cases in which the applicant was facing trial. The applicant has not chosen to file any rejoinder to the reply disputing the said facts. Further the respondents submit that the attestation forms submitted by the applicant were not correct in all respects and that the applicant had suppressed ^{- his involvement in Criminal cases. -} ~~the said facts.~~

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9. In that view of the matter, we feel that there is no illegality in the service of the impugned notice on the applicant and terminating ^{his} the services.

10. Hence we find no merits in this OA. The OA is dismissed. The interim order dated 16.5.95 shall stand vacated. No costs.



(B.S. JAI PARAMESHWAR)
Member (Judl.)

18/3/98



(R. RANGARAJAN)
Member (Admn.)

Dated & 18th March, 1998

(Dictated in Open Court)

sd

WAT /
DR

DA.650/95

Copy to:-

1. The Postmaster General, Vijayawada Region, A.P.Circle, Vijayawada.
2. The Sr. Superintendent of Post Offices, Guntur Division, Guntur.
3. The Post Master, Guntur Post Office, Bazar P.O., Guntur.
4. One copy to Mr. G.V.L.N.Murthy, Advocate, CAT., Hyd.
5. One copy to Mr. V.Shimanna, Addl.CGSC., CAT., Hyd.
6. One copy to BSJP (J), CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate copy.

srr

21/3/98
TYPED BY
COMPARED BY

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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: 18/3/98

ORDER/JUDGMENT

O.A./H.A/C.A.NO.

in

O.A.NO. 650/95

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

