

(27)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD.

O.A.NO.787/95.

DATE OF JUDGMENT: 18-07-95.

BETWEEN:

D. John Subba Rao

.. Applicant.

AND

1. The Director, Postal Services,
Vijayawada-520 002.

2. Supdt. of Post Offices,
Khammam Division, Khammam-3.

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI P. Rathaiah

COUNSEL FOR THE RESPONDENTS: SHRI N.V.Ramana.

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

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

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I AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN]

J U D G E M E N T

Heard both the learned counsels.

2. The applicant was compulsorily retired from service by way of punishment by order dated 17-6-92 after enquiry. The applicant preferred appeal dated 30-7-92 against the said order. ^{It} While it is pleaded for the applicant that as the said appeal was not disposed of, he submitted another appeal memorandum dated 18-2-95 wherein it is alleged that he was acquitted by the learned Magistrate on 8-1-95. This OA was filed praying for a direction to set aside the order dated 17-6-92 passed by R2 in Memo. No. F/6-1/91-92, dated 17-6-92 by holding it as arbitrary, unjust, illegal and violative of principles of natural justice.

3. It was stated for the Respondents that the appeal was disposed of on 10-2-93 and the orders therein were served on the applicant on 18-2-93. But the learned counsel for the applicant stated that the applicant instructed him to submit that by letter dated 5-6-95 he was informed that the order dated 10-2-93 was served on him on 18-2-93 but in fact such an order was not served on him at all.

4. As there is nothing to doubt about the version of the Respondents that ~~in view of the~~

✓ and that it was sent by regd. post acknowledgement due. ✓

fact that the ~~said~~ letter containing a copy of the appellate authority is served, this OA in regard to the challenge of the order of punishment has to be held as time barred.

5. If it is a case where the ~~applicant has to be released~~ ^{appeal has to be filed} reinstated on the ground that the applicant was acquitted, then it is open to the applicant to file an application under Section 19 of the A.T Act, if so advised, and if such an OA is going to be filed, the same will be considered on merits.

~~XXXXXX~~ at the admission stage. No costs. //

R. Rangarajan
(R. RANGARAJAN)
Member (Admn.)

V. Neeladri Rao
(V. NEELADRI RAO)
Vice-Chairman

Dated the 18-7-95
Open court dictation

NS

Arghyam
Deputy Registrar (J)CC

To

1. The Director, Postal Services, Vijayawada-2.
2. The Superintendent of Post Offices, Khammam Division, Khammam-3.
3. One copy to Mr.P.Rathaiah, Advocate, CAT.Hyd.
4. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm.

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

A N D

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

DATED ---18-7-1995.

ORDER/JUDGMENT:

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

in
OA. No.

TA. No.

787/95

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered Rejected.

No order as to costs.

No separate copy

