

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BECH

AT HYDERABAD

UO.A.1312/95.

Dt.of Decision : 23-4-98.

M.Bala Subramanyam

.. Applicant.

Vs

1. The Supdt. of Post Offices,
Tirupathi Division, Tirupathi,
Chittoor District.

2. The Regional Director of Postal
Services, Kurnool.

.. Respondents.

Counsel for the applicant : Mr.P.Veera Reddy

Counsel for the respondents : Mr.M.V.Raghava Reddy, Addl.CGSC.

CORAM:-

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

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

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ORDER

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

None for the applicant. Heard Mr.N.V.Raghava Reddy, learned counsel for the ~~applicant~~ respondents.

2. As the OA is filed in the year 1995, we do not think it is a fit case for adjournment. Hence the OA is disposed of under Rule 15 (1) of the CAT(Procedure) Rules, 1987.

3. The applicant who is EDBPM of Ellamanda Village, Erravaripalam Mandal, Chittoor District was issued with a charge-memo bearing No.B-3/94 dated 6-3-95 (Annexure-I). The Article of charge reads as below:-

"Sri M.Balasubramanyam, E.D.Branch Postmaster, Ellamanda a/w Piler SO: while working as D.P.M., accepted the post of Village Administrative Officer, Ustikayalapants, which is other than the B.O.Village. Thus, the condition of permanent residence at the B.O.Village by the B.P.M. is not followed in as much as he has to be absent from the B.O.Village frequently and regularly on V.A.O. duties. He did not tender resignation to the post of B.P.M. as directed by this office.

It is, therefore, alleged that Sri M.Balasubramanyam failed to maintain devotion to duty and contravened the provision of Rule 17 of P&T E.D Agents (Conduct & Service) Rules, 1964."

4. An enquiry was ordered in this connection. In the mean time the applicant filed this OA on 30-10-95 praying for setting aside the impugned charge memo No.B-3/94 dated 6-3-95 as illegal, irregular and arbitrary and for a consequential direction to allow the applicant to function as Extra Departmental Branch Postmaster, Ellamanda Village, even if he is holding the post of Village Administrative Officer of Ustikayalapenta Village, Erravaripalem Mandal, Chittoor District.

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5. An interim order was passed in this OA on 2-11-95. It was directed in the interim order that "until further orders the R-1 shall not proceed further with the disciplinary action in pursuance of the charge memo dated 6-3-95 referred to in page-12 of the material papers."

6. A reply has been filed in this OA. The respondents submit that the applicant cannot work as VAO when he is working as EDBPM ^{as} holding the two posts at the same time is irregular. The working timings of ^{the} post, ~~clashes~~ and hence post office work will suffer if the applicant works as VAO in ~~addition~~ addition to his working as EDBPM. It is also stated that the applicant neither resigned the post of VAO nor he ~~had~~ resigned the post of EDBPM. Hence the respondents submit that the applicant ~~had~~ to be proceeded against as per the charges mentioned in charge memo. It is also stated that the applicant has not taken permission of ^{the} concerned ~~Revenue~~ ~~revenue~~ authorities before applying for the post of EDBPM. Thus, the respondents submit that the applicant has to be proceeded against and this OA has to be dismissed as having no merits.

7. The rule in this connection are clear. Whether an EDBPM official can take other job or not is a point to be decided by the appropriate authority. As he is working as VAO also while functioning as EDBPM he has been charge sheeted. Hence the enquiry will go into the details and come to the conclusion ~~that~~ whether such action of the applicant is in order or not. Hence at this juncture, we do not propose to give any direction in this connection except saying that the enquiry should be proceeded in accordance with the ^e law and on that basis the disciplinary authority should take a final decision.

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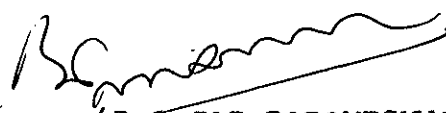
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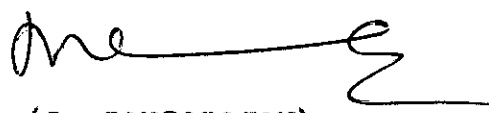
8. In view of the above, the following order is given:-

The respondents are at liberty to proceed with the charge memo by holding the enquiry and a final decision is conveyed to the applicant by the disciplinary authority on the basis of the disciplinary proceedings. If the applicant is aggrieved by the final decision taken he is at liberty to initiate such proceedings as are available to him in accordance with the law.

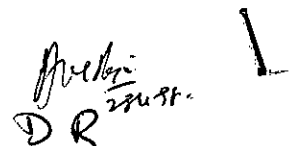
9. With the above direction the OA is disposed of.

No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)
23.4.98


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 23th April, 1998.
(Dictated in the Open Court)


D R Musthafa

spr.

15/5/98
TYPED BY
COMPARED BY

II COURT
CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

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

DATED: 23/4/98

ORDER/JUDGMENT

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

in

D.A.NO. 1812/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

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