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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A.156/95.

Dt.of Decision : 5-3-98.

1. C.Jaihind Reddy
2. S.Sammaish
3. K.Y.Venkateswara Rao
4. N.Veerabhadraiah
5. V.Yellaiah
6. P.Papi Reddy
7. M.S:soch.Rao

vs

1. The Supdt. of Post Offices,
Hanamkonda Division,
Hanamkonda-1.
2. The Postmaster General,
Hyderabad-1.

... ~~Opposed~~

Counsel for the applicants : Mr.P.Rathaiah

Counsel for the respondents : Mr.K.Bhaskara Rao, 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. SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDGE))

Heard Mr.K.Bhaskara Rao, learned counsel for the respondents. The applicants and their counsel are absent though it is posted for orders today. Hence we ^{are} deciding this OA on the basis of the materials available on record and as per Rule 15(1) of the CAT (Procedure) Rules, 1987.

2. There are 8 applicants in this OA. They are working as

Postal Employees in the Hanamkonda Division.

3. It is submitted that on 13-3-93 a postal assistant working at Ghanpur post office, while he was on duty, was assaulted by a police constable Ghanpur police station. As a result of this incident the postal employees of all the Warangal District threatened to take the matter to their unions. It is stated by the applicant that there was no strike on 14-9-93 and 15-9-93 and the work in the post office was normal.

4. However the Superintendent of post office-the R-1 by his order No.SP/Con/27/93 dated 28-7-94 ordered to recover the wages from the applicants for those two days (14-9-93 & 15-9-93) from about 62 officials. ~~Opposition to this order yielded~~

5. Representations against the said order had not fruitful result.

6. Hence the applicants have filed this OA to quash the order of the Superintendent of post office, Hanamkonda order No. SP/Con-27/III/93-94 dated 9-12-94 to recover the 2 days wages from the staff working in Hanamkonda Division as arbitrary, unjust, illegal and violative of the principles of natural justice.

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7. The respondents have filed the reply stating that on those 2 days viz., 14-9-93 & 15-9-93 there was disruption of work in the division and the postal employees abstained from the work. Thus they submit that the order for recovery of the wages from the pay of the applicants was justified.

The point for our consideration is whether the postal employee who struck work in those 2 days can demand their wages and whether this Tribunal can decide legality or otherwise of the strike of the employee on 14-9-93 and 15-9-93.

9. Similar question came up for our consideration before OAs we formed an opinion that the department has to consider whether the employees were justified in remaining absent from work for the period from 14-9-93 & 15-9-93 and whether their absence was justified or not. These aspects have to be gone into by an impartial body and thus the respondents have to take a decision as to how the period of absence of the applicants has to be treated.

10. By an interim order dated 6-2-95 we directed the applicants to draw their pay for the remaining days of January, 1995 and that Reli has paid without insisting to any undertaking from the applicants.

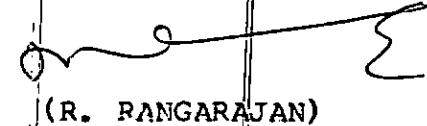
11. Following the order dated 18-3-97 in OAs.1598,1599 and

The respondents shall consider the representations of the applicants if already submitted. Otherwise the applicants, may if so advised, submit a detailed representation for their absence from duty on 14-9-93 and 15-9-93. If such a representation is received the Chief Post Master General shall dispose of the representations in accordance with law after ^{some} going a personal hearing to the applicants.

12. With the above direction the OA is disposed of. No order as to costs.


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

S/31/98


(R. RANGARAJAN)
MEMBER(ADMN.)

Dated : The 5th March, 1998.

(Dictated in the OpenCourt)

DA.156/95

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Copy to:-

1. The Supdt. of Post Offices, Hanamkonda Division, Banamkonda.
2. The Postmaster General, Hyderabad Region, Hyderabad.
3. One copy to Mr. P.Rathaiah, Advocate, CAT., Hyd.
4. One copy to Mr. K.Bhaskara Rao, Addl.CGSC., CAT., Hyd.
5. One copy to BSOP M(J), CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. BURANGARAJAN : M(A)

AND
THE HON'BLE MR. B. S. DURRANI (M)

DATED: 5/3/98

ORDER/JUDGMENT

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

in
O.A. NO. 156/95

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

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