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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 1509 OF 1996

DATE OF ORDER: 30th June, 1997

BETWEEN:

B. SUBBA RAYUDU

.. APPLICANT

AND

1. The Director of Postal Services,
C/o PMG, A.P.S.R.,) Kurnool,
2. The Superintendent, Railway Mail Service,
AG Division, Guntakal,
3. The Sub Record Officer, Railway Mail
Service, AG Division,
Cuddapah.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mrs. A. ANASUYA

COUNSEL FOR THE RESPONDENTS: Mr. NR DEVARAJ, Sr. CGSC

CORAM:

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

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

ORDER

ORAL ORDER (PER HON'BLE SHRI B. S. JAI PARAMESHWAR,
MEMBER (JUDL.))

None appeared for the applicant. The applicant was also absent when the application was taken up for hearing. Heard Mr. N. R. Devaraj, learned counsel for the respondents.

2. The applicant herein was appointed as Extra Departmental Mail Man at S.R.O., Cuddapah vide proceedings

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No.B/EDMM/DN/Vol IV, dated 28.5.92. At the time of his appointment, he had produced a certificate issued to him by the Head Master, ZPH School, Yeguvapalle. On verification with the said school authorities, the certificate produced by the applicant was found to be a bogus one. Hence the services of the applicant were terminated under Rule 6 of the Posts & Telegraphs Departmental Agents (Conduct & Service) Rules, 1964. It is this order that has been challenged by the applicant.

3. The learned counsel for the respondents produced the records leading to termination of the applicant. The termination was ordered as the ^{school} certificate produced by the applicant was found to be not genuine. On going through the records, we found that the Sub Record Officer, RMS, AG Division, Cuddapah, had issued the order of termination. We feel it appropriate that the reviewing authority may consider the case of the applicant and we do not wish to express any opinion as to the reasons for termination, ~~genuineness~~ ~~correctness~~ of the certificate and also the authority competent to issue the order of termination. Review is provided to the applicant under instruction No.7 under Rule 6 of the E.D.A.Conduct and Service Rules vide D.G.P&T No.18/1/65-Disc., dated 4.5.1965 which reads as under:-

"(7) No appeal but only review on an order of termination:-

It is already indicated in Rule 10 that there will be an appeal only against a penalty indicated in rule 7. There is, therefore, no right to appeal against an order of termination of services. An

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order of termination can, however, be reviewed within a period of six months under rule 16. The period of limitation for the purpose of submission of a petition as prescribed under the relevant rule in the P & T Manual, Volume II, would also be applicable to petition of an ED Agent against an order of termination of services."

4. In view of the above provision for review, we feel it appropriate to direct the applicant, if he is so advised, to file a review application to the Appropriate Authority. Hence, the OA is disposed of with the following direction:-

The applicant, if he is so advised, may prefer a review application against the order of termination to the appropriate authority. In case such a review application is received, then the competent reviewing authority shall decide the review application on merits without going into the question of limitation, if such a period of limitation exists.

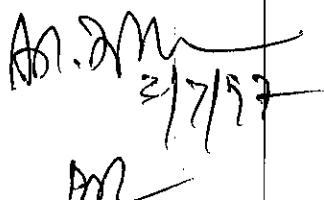
5. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)
30.6.97


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: - 30th June, - 1997
Dictated in the open court.

vsn


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Copy to:

1. The Director of Postal Services,
C/O PMG, A.P.S.R., Kurnool.
2. The Superintendent, Railway Mail Service,
A.G.Division, Guntakal.
3. The Sub Record Officer, Railway Mail Service,
AG Division, Cuddapah.
4. One copy to Mrs.A.Anasuya, Advocate,CAT,Hyderabad.
5. One copy to Mr.N.R.Devraj,Sr.CGSC,CAT,Hyderabad.
6. One copy to D.R(A),CAT,Hyderabad.
7. One copy for duplicate.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

DATED 30/6/97

ORDER/JUDGEMENT

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

D.A. NO. 1509/96 in

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

केन्द्रीय अधिकारिक अधिकारण
Central Administrative Tribunal
प्रियल/DESPATCH

- 8 JUL 1997

हैदराबाद आवासीय
HYDERABAD BENCH