

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1163/96

dt.9-9-97

Between

K. Balaiah

: Applicant

and

1. Secretary
Deptt. of Posts
Bak Bhavan, Parliament St.
New Delhi

2. Postmaster-General
Vijayawada Region
Vijayawada 520002

3. Director of Postal Services
Vijayawada Region
Vijayawada 520002

4. Sr. Supdt. of Post Offices
Nellore Division
Nellore 524001

: Respondents

Counsel for the applicant

: S. Ramakrishna Rao
Advocate

Counsel for the respondents

: N.V. Raghava Reddy
Addl.CGSC

Coram

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.) *Q*
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a/c

OA.1163/96

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dt.9-9-97

Judgement

(Oral order per Hon. Mr. H. Rajendra Prasad, Member (Admn.))

Heard Mr. S. Ramakrishna Rao for the applicant and Sri N.V. Raghava Reddy for the respondents.

1. The applicant joined Nellore Postal Division as Postal Assistant in August, 1968. In 1986 he is said to have fallen sick and, according to the applicant, the problem was Pulmonary Tuberculosis. He was sanctioned 746 days Extra-ordinary Leave with four days of Earned Leave on Medical Certificate. During the years 1990-91 no leave was granted to him; on the contrary disciplinary proceedings were initiated against him in July, 91, for unauthorised absence whereupon the applicant on 10th July, 1991 served a notice of his intention to proceed on voluntary retirement. The applicant's grievance is that although the Director of Postal Services was the competent authority to take a decision in this case the notice was disposed of as inadmissible by the Senior Superintendent of Post Offices on the ground that a disciplinary case was pending against him and further that EOL and notice for voluntary retirement could not run concurrently. The fact, however, remains that the offer of voluntary retirement was neither accepted nor rejected during the period of its currency. In the meanwhile, the disciplinary action initiated earlier was dropped at the instance of the Director of Postal Service who rejected the Inquiry Report on grounds of inconsistency. Charges were framed afresh on 28-11-1994 and 6-1-1995, and dropped subsequently on 27-9-1995. Again, another memo of charges was issued on 9-11-1996. The gravamen of all the charges was

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the same i.e. unauthorised absence. The latest inquiry is reported to be still in progress.

2. A further grievance in the present OA is that his notice of voluntary retirement should have been accepted in time and he should have been absolved of all charges and relieved of his duties when he had clearly expressed his unwillingness to continue in service any longer. There was little point in pursuing the case of his unauthorised absence when he had regularly applied for leave and when no action was taken to dispose of his leave application by granting or denying him the leave applied for, or by according or withholding permission for his voluntary retirement. Instead of adopting any of these courses the authorities seem to be intent only on proceeding with a disciplinary case which was preceded by atleast two earlier ones which had been initiated only to be dropped subsequently.

3. Looking at the range of facts in this case it appears to me entirely wasteful for the Department to squander its time and energy in pursuing a disciplinary case of this nature. The applicant is clearly unwilling to serve in the Department and has been eager to be relieved of his official duties. Such being the case, it is not understood as to what would be gained by clinging on to an unwilling worker on some vague grounds of unauthorised absence.

4. It is my view that nothing is to be gained by either parties in persisting with this fruitless and interminable rounds of Departmental action and litigation. This is a fit case which should be examined from a distinct perspective of detachment and demonstrably impartial state of mind by PMG, Vijayawada. He may like to ponder over the question if

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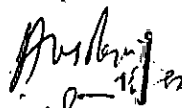
anything is to be gained by prolonging this case any further. It may not be in the interests of the Respondents to retain by compulsion the services of someone who is totally unwilling to be a part of the Department any more. I think there is every thing to be gained, and nothing to be lost, if the charges are dropped and the case of his retirement is processed as per rules. Everyone may ultimately be a gainer if this suggested course of action is pursued.

6. I would, therefore, direct the PMG, Vijayawada Region, to have this case examined with a view to taking a fair, firm but realistic view of the entire case. This may be done within 45 days from the date of receipt of a copy of this judgement. A suitable decision may be taken as regards the date of effect of voluntary retirement of the applicant keeping in view the interest of the applicant as well as of the Department. Any consequential action as regards retirement benefits etc. will have to follow as per rules and after a decision is arrived at as indicated. This may be done within 45 days thereafter.

7. Thus the OA is disposed of.


(H. Rajendra Prasad)
Member (Admn.)

Dated : September 9, 97.
Dictated in Open Court


Deputy Registrar (D)

sk

O.A. 1163/96.

To

1. The Secretary,
Dept. of Posts,
Dak Bhavan, Parliament Street,
New Delhi.
2. The Postmaster General,
Vijayawada Region, Vijayawada-2.
3. The Director of Postal Services
Vijayawada Region, Vijayawada-2.
4. The Sr. Supdt. of Post Offices,
Nellore Division, Nellore-1.
5. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT. Hyd.
6. One copy to Mr. N. V. Raghava Reddy, Addl. CGSC. CAT Hyd.
7. One copy to HHRP.M.(A) CAT. Hyd.
8. One copy to DE.(A) CAT. Hyd.
9. One spare copy.

pvm.

23/9/97

I Court.

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE.
VICE-CHAIRMAN

And

THE HON'BLE MR. H. RAJENDRA PRASAD :M(A)

DATED:- 9/9/97

~~ORDER~~/JUDGMENT.

M.A.,/RA.,/C-A.No..

in

O.A.No. 1163/96

T.A.No. (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.

