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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.848/96.

Date of order : 13.8.1996.

Between

N.Butchaiah

.. Applicant

And

1. The Sr. Supdt. of Post Offices,
Prakasam Division,
Ongole.

2. The Director of Postal Services,
O/o the Postmaster-General,
Vijaywada Region,
Vijaywada.

.. Respondents

Counsel for the Applicant

.. Shri K.Venkateswara Rao

Counsel for the Respondents

.. Shri V.Rajeswara Rao,
Addl. CGSC

C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri H.Rajendra Prasad : Member(A)

Order

(Per Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman)

In a disciplinary proceeding held under Rule 8 of P&T EDAs (C&S) Rules, 1964 the applicant has been found guilty of the charges levelled against him and has been removed from service by order of the Sr. Supdt. of Post Offices, Prakasam Division, Ongole (disciplinary authority) dated 17.10.94. That order has been confirmed by the appellate authority by order dated 28.9.95. The applicant seeks to challenge these orders.

2. Shri K.Venkateswara Rao, learned counsel for the applicant submitted that there has been violation of principles of natural justice in-as-much as the applicant was not made available the services of a defence assistant and therefore he could not defend himself properly and that has vitiated the impugned orders.

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3. From the record which is produced alongwith the O.A. we find that the defence assistant nominated by the applicant was not relieved by the controlling authority and the applicant could not secure the services of any other defence assistant. It is stated ^{in the order of DA} that Shri M.Venkateswara Rao who was named by the applicant was not given permission by the Sr. Supdt. of Post Offices who had the right to grant or refuse permission on reasonable ground. The applicant should have selected some other official to work as Assisting Govt. Servant but he failed to do so and did not nominate any other official working in the neighbouring Division to work as defence assistant and there was no force in the argument of the applicant that reasonable opportunity was not provided to him at the enquiry to defend his case. The appellate authority in its order has also dealt with this aspect that although the applicant wanted Shri M.Venkateswara Rao to defend him he was unable to obtain a letter of willingness from that official and failed to obtain the services of any other official to assist him and therefore his contention that he was denied fair opportunity to defend was not tenable. The view taken by the said authority cannot be said to be unreasonable. Principles of natural justice extend only to giving an opportunity and it is for the delinquent to avail of it or not. If he has not been able to avail of it that cannot be said to be ^{result in} violation of principles of natural justice. On this ground therefore we are not inclined to take the view that the impugned orders are vitiated or are rendered illegal. No other point is involved. The O.A. is consequently rejected. No order as to costs.

(H. Rajendra Prasad)
Member (A).

(M.G. Chaudhari)
Vice-Chairman.

Dated: 13.8.1996.
Dictated in Open Court.

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O.A.848/96

To

1. The Sr.Superintendent of Post Offices,
Prakasam Division, Ongole.
2. The Director Postal Services,
O/o the Postmaster General,
Vijayawada Region, Vijayawada.
3. One copy to Mr.K.Venkateswara Rao, Advocate, CAT.Hyd.
4. One copy to Mr.V.Rajeswar Rao, Addl.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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9/12/96

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

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

Dated: 13-8-1996

~~ORDER~~ / JUDGMENT

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

in

O.A.No. 848/96.

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.

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