

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.No.1571 OF 1997.

DATE OF ORDER:15-3-1999.

BETWEEN:

M.Satyanarayana.

....Applicant

a n d

1. The Head Record Officer,
Hyderabad Sorting Division,
Hyderabad-500 001.
2. The Senior Superintendent,
RMS, Hyderabad Sorting Division,
Hyderabad-500 027.
3. The Chief Post Master General,
A.P.Circle, Hyderabad, representing
Union of India.

....Respondents

COUNSEL FOR THE APPLICANT :: Mr.P.Bhaskar

COUNSEL FOR THE RESPONDENTS :: Mr.B.Narasimha Sharma

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

A N D

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

: O R D E R :

ORAL ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr.P.Bhaskar, learned Counsel for the
Applicant and Mr.Jacob for Mr.B.Narasimha Sharma,
learned Standing Counsel for the Respondents.

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2. The applicant in this OA who was appointed as EDMM on 27-7-1981, was issued with a Charge Sheet for contravening the Rule 17 of P&T EDA(Conduct and Services) Rules, 1964, vide Charge Sheet Memo No. PF/ED/7/94, dated: 13-9-1994. The charges levelled against him reads as below:-

"Sri M. Satyanarayana has furnished a transfer certificate from Sri Saipatasala, Picket, Secunderabad as having studied upto IXth Standard whereas the Deputy Inspector of Schools, Ranigunj Range Secunderabad has intimated that there is no 'such school under his jurisdiction'. Thus he is alleged to have committed the misconduct before his employment and the misconduct is of such a nature as had rational connection with his present employment and thereby failed to maintain absolute integrity contravening the Rule-17 of P&T EDA(Conduct and Service) Rules, 1964."

3. An enquiry was conducted in this connection and the Enquiry Officer held that the charges stand proved beyond doubt. The Disciplinary Authority on the basis of the Enquiry Report passed the Order of removal of the applicant from service by Memo. No. PF/ED/7, dated: 16-7-1996 (Annexure. III to the OA). The applicant submitted his appeal and that appeal was disposed of by Order No. B2/PF/MSN, dated: 27-12-1996 (Annexure. IV), confirming the punishment awarded to the applicant by the Disciplinary Authority.

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4. This OA is filed praying for setting aside the impugned Order No.82/PF/MSN, dated:27-12-1996 issued by R-2, by holding the same as illegal, arbitrary and void, and for a consequential direction to the respondents to take back the applicant into service with continuity of service, arrears of wages and other incidental and consequential benefits.

5. The applicant was appointed way back in the year 1981. At that time the School Certificate submitted by the applicant was examined and found to be in order. Only on that basis he was appointed as regular EDMM of that Post Office. Now the respondents Counsel submits that the Transfer Certificate submitted by the applicant does not bear the counter signature to prove its authenticity. If so, the reason for ~~not~~ ^{rejecting} rejecting his case while considering him for the post of EDMM is not explained.

6. Be that as it may, we find that the Appellate Order also lacks substance. In that the Appellate Authority had gone purely on the basis of the letter given by the Deputy Inspector of Schools to the effect that the said School was not in existence on the day when that letter was issued by the Deputy Inspector of Schools. It may be possible that the said School could have been functioning earlier and would have been abolished subsequently before it came under the

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jurisdiction of the Deputy Inspector of Schools, who issued the Certificate in that connection. The applicant in his appeal categorically submits that the School was in existence till 1985, but after that the School was closed. It appears no effort has been made to see whether the School was in existence till 1985. If the School was in existence till 1985 then the applicant could have been asked to prove that he studied in that School on the basis of ^{existence of} his Ex.School-mates. But instead of checking that, the Appellate Authority came to the conclusion that there is no reason to set aside the Order of the Disciplinary Authority removing the applicant from service. Hence, we feel that the Appellate Authority had passed the Order without ^{Considering} ~~proving~~ the authenticity of the submissions made by the applicant in his appeal. It may be stated that it ^{may be a} ~~is~~ the case of no evidence. We would not run to that conclusion at this stage. It is for the Department to see whether the School was in existence and if so, the applicant should be asked to substantiate his case of having studied in that School.

7. In that view, we feel that the Order of the Appellate Authority has to be set aside and the case should be remitted back to the Appellate Authority to review the case in the light of the appeal submitted by him and also keeping in mind the observations made by us as above.

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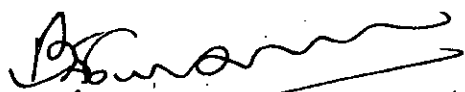
8. In the result, the following direction is given:-

"The Order of the Appellate Authority dated:27-12-1996 is hereby set aside and the case is remitted back to the Appellate Authority for re-consideration of his Orders dated:27-12-1996, keeping in view the observations made by us as above and also the appeal submitted by the applicant against the Orders of the Disciplinary Authority.

The Appellate Authority should also give a personal hearing if asked for by the applicant before disposing of his case.

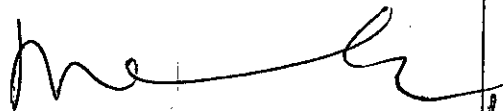
Time for compliance is three months from the date of receipt of a copy of this Order."

9. With the above direction, the OA is disposed of.
No costs.



(B.S. JAI PARAMESHWAR)

MEMBER (JUDL)




(R. RANGARAJAN)

MEMBER (ADMN)

DATED: this the 15th day of March, 1999

Dictated to steno in the Open Court

DSN


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Copy to:

1. HDHND
2. HHDP M(A)
3. HBSJP M(J)
4. D.R. (A)
5. SPARE

15/3/99
1ST AND 11ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR:
VICE - CHAIRMAN

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

THE HON'BLE MR. R. RANGARAJAN:
MEMBER (A)

THE HON'BLE MR. B.S. JAI PARAMESWAR:
MEMBER (J)

DATED: 15-3-99

ORDER/ SUGGESTION

MA./RA./CP.No.

IN

O.A. NO. 1571/97

~~ADMITTED AND INTERIM DIRECTIONS
ISSUED.~~

~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

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