

(39)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..

O.A.No. 691 of 1997.

Date: 16--6--1997.

Between:

Syed Jamaluddin. .. Applicant.

and

1. The Director of Postal Services,
Hyderabad Region, Hyderabad.
2. The Superintendent of Post Offices,
Peddapally Division, Peddapally,
Karimnagar District. .. Respondents.

Counsel for the applicant: Sri K.Vasudeva Reddy.

Counsel for the respondents: Sri K.Bhaskara Rao.

CORAM:

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

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

JUDGMENT.

(per Hon'ble Shri B.S. Jai-Parameshwar, Member (J)

...

Heard Sri K.Vasudeva Reddy, learned counsel
for the applicant and Sri K.Bhaskara Rao, learned
counsel for the respondents.

The applicant while working as Postal Assistant
at Huzurabad Post Office, ~~he~~ was suspended from duty
and thereafter a Charge-sheet dated 27--4--1994 was
served on him. In pursuance of the said charge-sheet,
Sri G.Mallaiah, A.S.P., Hanumkonda was appointed as
Enquiry Officer. It is submitted that the applicant

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made a representation dated 24--8--1994 requesting the respondents to allow him to utilise the services of one Sri V.K Naidu; but his request was not considered and the services of Sri V.K.Naidu were rejected by the proceedings dated 6--10--1994. It is submitted that the applicant made another representation dated 15--10--1994 requesting to nominate Sri B.N.Singh as his defence assistant. The enquiry was posted to 31--10--1994. But on that day Sri B.N.Singh did not turn up and the applicant sought for an adjournment. The Enquiry Officer directed the applicant to produce the consent letter of Sri B.N.Singh. The applicant states that as per sub-rule 23 of Rule 14 no such consent letter was required to be submitted and this fact he submitted to the Enquiry Officer. Thereafter, the services of Sri B.N.Singh were also rejected by Pros., dated 24--11--1994. The applicant states that even for four times he had requested the respondents to allow him to utilise the services of ^(a)defence assistant, ^{and that} his request was rejected. However, it is submitted that one Mr. Yugandher, who was an employee of Postal Department working in Peddapally Division was appointed as defence Assistant. It is stated that the Enquiry Officer was biased against him. On 26--10--1995/9--1--1996 the Enquiry

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Officer submitted his report. It is submitted that the Enquiry Officer failed to consider his representation dated 7--2--1996. The Disciplinary Authority considering the report of the Enquiry Officer and his explanation passed the order dated 29--2--1996 imposing on him the penalty of removal from service. Against the said order of punishment, the applicant submitted an appeal to the respondents on 24--9--1996. It is submitted that the Appellate Authority had not taken any action and therefore, he submitted another representation dated 18--11--1996. The appellate Authority ^{is} yet to dispose of that appeal.

The applicant has filed this O.A., challenging the order dated 29--2--1996 passed by the Superintendent of Post Offices, the respondent No.2. The applicant prays to call for the records pertaining to the impugned Pros., and ^{has} sought for a direction to the respondents to quash the impugned Pros., and direct them to reinstate him into service with all consequential benefits.

The applicant preferred an appeal dated 24-5-1996 to the respondent No.1 (Page 28 of the O.A.,) and that appeal is still pending disposal. In his appeal, the applicant


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has brought out all the points against the impugned order dated 29--2--1996.

Hence, we feel it proper to direct the 1st respondent to dispose of the appeal preferred by the applicant in accordance with law taking due note of the contentions raised by the applicant in this O.A. also.

In the result the O.A., is disposed of with a direction to the 1st respondent as above. Time for compliance two months from the date of receipt of a copy of this order by the respondents. No order as to costs.

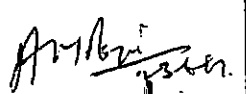

B.S. JAI PARAMESHWAR
MEMBER (J)


R. RANGARAJAN,
MEMBER (A)

16.6.97

Dictated in open Court.

Date: 16--6--1997


Jy. Raghav

sss.
C.C. By Friday
(B.O)

UB

Copy to:-

1. The Director of Postal Services, Hyderabad Region, Hyd.
2. The Suprintendent of Post Offices, Peddapally Division, Peddapally, Karimnagar Dist.
3. One copy to Sri. K.Vasudeva Reddy, advocate, CAT, Hyd.
4. One copy to Sri. K.Bhaskara Rao, Addl. CGSC, CAT, Hyd.
5. One copy to Hon'ble Mr. B.S.Jai Parameswar, JM, CAT, Hyd.
6. One copy to Deputy Registrar(A), CAT, Hyd.
7. One spare copy.

Rsm/-

SPL
10/17/97 (X)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

DATED: 16/6/97

ORDER/JUDGEMENT

F.A./H.A./S.A. NO.

G.A. NO.

in

691/97

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed