

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1555/97

Date of Order : 5.3.99

BETWEEN :

M.Ramamohan Rao

.. Applicant.

AND

1. Union of India, rep. by
Chief Post Master General,
A.P., Dak Sadan, Abids,
Hyderabad.

2. The Director of Accounts (Postal)
Andhra Circle, Dak Sadan,
Abids, Hyderabad.

.. Respondents.

- - -

Counsel for the Applicant

.. Mr.B.S.A.Satyanarayana

Counsel for the Respondents

.. Mr.B.N.Sharma

- - -

CORAM:

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

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

- - -

O R D E R

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

- - -

Mr.B.S.A.Satyanarayana, learned counsel for the
applicant and Mr.M.C.Jacob for Mr.B.N.Sharma, learned
standing counsel for the respondents.

R

.. 2 ..

2. The applicant was working as L.D.C. in the office of R-2 and was promoted as Junior Accountant. While working as such he remained unauthorisedly absent from duties. After disciplinary proceedings initiated against him for unauthorised absence he ^{was} removed from service.

3. Against the order of removal the applicant submitted an appeal dated 8.10.96 to the C.P.M.G., A.P.Circle, Hyderabad. The C.P.M.G. considering the appeal felt it proper to modify the removal to that of compulsory retirement.

4. The applicant has filed this OA to declare the action of the respondents in imposing a disproportionate penalty in the first instance of removal from service and modifying the same as compulsory retirement in the second instance into which the first order or penalty merged as illegal and arbitrary and set aside the penalties contained in the impugned memos and for a consequential direction to the respondents to take back the applicant into service with all consequential benefits.

5. The respondents have filed the counter justifying the action taken by them and also the punishment imposed by the authorities.

6. When the OA was taken up for hearing the learned counsel for the applicant submitted that the punishment of compulsory retirement is very harsh and needs review, to that extent an order may be passed for reconsideration of the order passed by

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.. 3 ..

appellate authority leading to the retirement. Hence we are passing the order only in regard to the reconsideration of of the punishment of compulsory retirement and not going into the merits of the case.

7. A study of the appellate order dated 22.10.96 clearly indicates that the order of removal was modified as compulsory retirement by the appellate authority taking a view that the punishment of removal is very harsh under the circumstances under which the applicant was placed and also may be because of the fact that the removal is only for unauthorised absence and not for other misconduct.

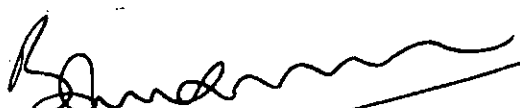
8. A study of the order of the appellate authority once again leads us to think that even this order of the compulsory retirement may be of the harsh one because of the ^{observations of the} appellate authority made himself in the order. Further the applicant was punished for unauthorised absence. We feel that a compulsory retirement for unauthorised absence ~~is~~ appears to be out of ^{proportion -} ~~proportion~~ to the gravity of the charge. Hence there is need to reconsider the order of the appellate authority by which the applicant was compulsorily retired. A lesser punishment otherthan compulsory retirement in our opinion may ^{well} ~~need~~ the ends of justice. However the powers of the Tribunal are very limited and it is not permissible to interfere with the order passed by the authorities concerned ~~and~~ on the basis of the records available.

Re

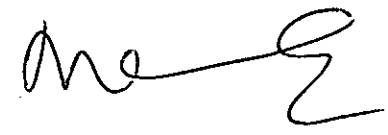
.. 4 ..

9. In view of what is stated above the applicant if so advised may submit a detailed representation for reducing the punishment to the appellate authority within a period of one month from the date of receipt of a copy of this order taking all the contentions raised by him in this OA. If such a representation is received by the appellate authority i.e. R-1 herein then that representation should be disposed of within a period of 2 months from the date of receipt of a copy of the representation. While doing so R-1 may consider the application sympathetically.

10. With the above direction the OA is disposed of.
No costs.


(B.S. JAI PARAMESHWAR)
Member (Judl.)

5.3.99


(R. RANGARAJAN)
Member (Adm.)

Dated : 5th March, 1999

(Dictated in Open Court)


12.3.99

sd

Copy to:

1. HON'BLE
2. HHRP M(A)
3. HBSJP M(J)
4. D.R. (A)
5. SPARE

24/3/99
15
1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

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

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

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

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

DATED: 5.3.99

ORDER/JUDGEMENT

MA./RA./CP.No.

IN

O.A. NO. 1555/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

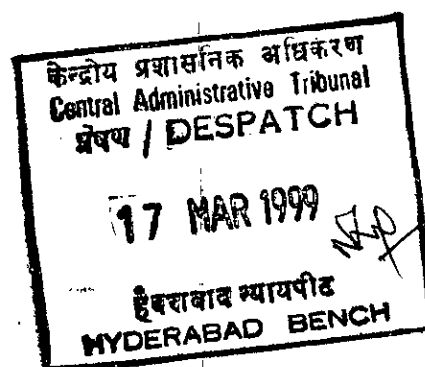
DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

(7 copies)



35

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

MA. No.664 of 1999

in

OA. No.1555 of 1997

Between:

Dated:19.8.99

1. The Chief Postmaster General,
A.P.Circle, Hyderabad.
2. The Director of Accounts (Postal),
A.P.Circle, Hyderabad.

.. Applicants

And

M.Rama Mohan Rao

... Respondent

Counsel for the Applicants

: Mr.B.N.Sharma

Counsel for the Respondent

: Mr.BSA.Satyanarayana

CORAM:

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

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

* * *

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Heard Mr.B.N.Sharma for the applicants in the MA.
None for the respondent.

Time is extended upto 28.9.99. No further extension of
time will be given.

The MA is disposed of.


Section Officer

Srr

COPY TO:-

1. HDHND
2. HRRN M (A)
3. HBSJP M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

1st AND II nd 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. R. RANGARAJAN:
MEMBER (ADMN)

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

ORDER DATE: 19/8/99

MA/RA/CR. NO 664/99
IN
DA. NO. 1555/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

O.A. CLOSED

DISPOSED OF WITH DIRECTIONS

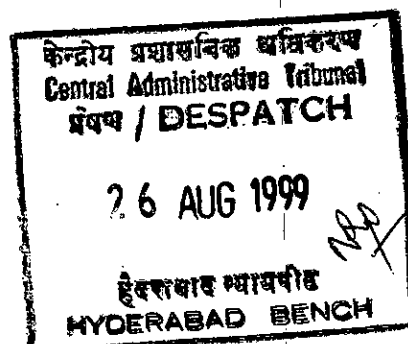
DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

8 copies



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD
BENCH AT HYDERABAD

M.A.No. 664 of 1999

in

O.A.No. 1555 of 1997

Between:

1. Union of India,
rep. by Chief Postmaster General,
A.P.Circle, Hyderabad.
2. The Director of Accounts (Postal),
A.P.Circle, Hyderabad.

...Applicants/
Respondents

And

M.Rama Mohan Rao.

...Respondent/
Petitioner

APPLICATION FILED UNDER RULES 8 of CAT PROCEDURE RULES

For the reasons stated in the accompanying affidavit the petitioners/respondents herein respectfully prays that this Hon'ble Tribunal may be pleased to granted three(3) months extension of time upto 28-09-1999 to finally dispose of the representation in the interest of justice.

Hyderabad,

Date: 29-7-99.

Counsel for the Applicants/
Respondents.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT : HYDERABAD

M.A.NO: 654 OF 1999

in

O.A.No.1555 of 1997

Between :

1. Union of India, rep. by Chief
Postmaster-General, A.P.Circle,
Hyderabad
2. The Director of Accounts (Postal)
A.P.Circle, Hyderabad

... Applicants/
Respondents in O.A

A n d

M. RamaMohan Rao

... Respondent/
Applicant

AFFIDAVIT

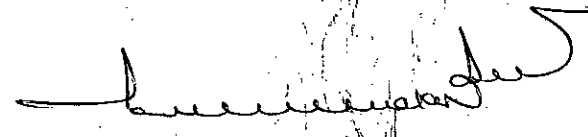
I, Naresh Penumaka, S/o P.Subba Rao, aged about
36 years, Occupation Govt. Service, resident of Hyderabad do
hereby solemnly affirm and sincerely state as follows :

1. I am working as Director of Accounts (Postal), Hyderabad
and Applicant No.2 herein and as such well acquainted with
the facts of the case. I am authorised to file this M.A.
before this Hon'ble Tribunal by other Respondents in the
O.A. also.
2. The Hon'ble Tribunal was pleased to pass the following
order on 5-3-1999 in OA No.1555 of 1997 filed by the
Respondent herein.

" In view of what is stated above the applicant if so
advised may submit a detailed representation for
reducing the punishment to the appellate authority
within a period of one month from the date of receipt
of a copy of this order taking all the contentions


SENIOR TESTATOR

O/o. The Director of Accounts (Postal)
Andhra Circle, Hyderabad-500 001.


Deponent
Director of Accounts (Postal),
Andhra Circle, Hyderabad.

raised by him in this O.A. If such a representation is received by the appellate authority i.e. R-1 herein then that representation should be disposed of within a period of 2 months from the date of receipt of copy of the representation. While doing so R-1 may consider the application sympathetically."

3. It is humbly submitted that as per the Hon'ble Tribunal's directions the Respondent herein has submitted a Representation dated 26-4-1999 which was received on 28-04-1999 by the Applicant No.1 herein for reconsideration.

4. It is humbly submitted that the Applicant in the O.A was initially removed from service as far back as in December 1995 by the Disciplinary authority (i.e. Applicant No.2 herein) and the said order is modified as compulsory retirement by the appellate authority in October 1996. As the matter is remitted back to the appellate authority for reconsideration by the Hon'ble Tribunal, and the authority has to consider various facts of the case even calling for reports from field level, the disposal of the representation may take some more time even though the authority is keen to dispose of the same at the earliest.

5. It is therefore prayed that this Hon'ble Tribunal may be pleased to grant 3 months' extension of time upto 28-09-1999 to finally dispose of the representation in the interest of justice.

Solemnly and sincerely affirmed
this 26th day of July 1999 and
he signed his name in my presence.


Deponent

Director of Accounts (Postal),
Andhra Circle, Hyderabad.

Before me


SENIOR ACCOUNTS OFFICER

O/o. The Director of Accounts (Postal)
Andhra Circle, Hyderabad-500 001.

2. The applicant was working as L.D.C. in the office of R-2 and was promoted as Junior Accountant. While working as such he remained unauthorisedly absent from duties. After disciplinary proceedings initiated against him for unauthorised absence he ^{was} removed from service.

3. Against the order of removal the applicant submitted an appeal dated 8.10.96 to the C.P.M.G., A.P.Circle, Hyderabad. The C.P.M.G. considering the appeal felt it proper to modify the removal to that of compulsory retirement.

4. The applicant has filed this OA to declare the action of the respondents in imposing a disproportionate penalty in the first instance of removal from service and modifying the same as compulsory retirement in the second instance into which the first order or penalty merged as illegal and arbitrary and set aside the penalties contained in the impugned memos and for a consequential direction to the respondents to take back the applicant into service with all consequential benefits.

5. The respondents have filed the counter justifying the action taken by them and also the punishment imposed by the authorities.

6. When the OA was taken up for hearing the learned counsel for the applicant submitted that the punishment of compulsory retirement is very harsh and needs review, to that extent an order may be passed for reconsideration of the order passed by

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-4-
CENTRAL

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1555/97

Date of Order : 5.3.99

BETWEEN :

M.Ramamohan Rao

AND

1. Union of India, rep. by
Chief Post Master Genera,
A.P., Dak Sadan, Abids,
Hyderabad.
2. The Director of Accounts (Postal)
Andhra Circle, Dak Sadan,
Abids, Hyderabad.

.. Applicant.

.. Respondents.

Counsel for the Applicant

.. Mr.B.S.A.Satyanarayana

Counsel for the Respondents

.. Mr.B.N.Sharma

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADM.)

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

ORDER

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

Mr.B.S.A.Satyanarayana, learned counsel for the
applicant and Mr.M.C.Jacob for Mr.B.N.Sharma, learned
standing counsel for the respondents.

R

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10. With the above direction the OA is disposed of.
No costs.

प्रमाणित प्रति
CERTIFIED TRUE COPY

क्रम संख्या
CASE NUMBER OA 1555/97
दिनांक : 5-3-99
DATE E T
प्रति
COPY MADE AT 15-3-99
[Signature]

सहायक न्यायाधीश
S. J. Officer
केन्द्र
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH.

appellate authority leading to the retirement. Hence we are passing the order only in regard to the reconsideration of the punishment of compulsory retirement and not going into the merits of the case.

7. A study of the appellate order dated 22.10.96 clearly indicates that the order of removal was modified as compulsory retirement by the appellate authority taking a view that the punishment of removal is very harsh under the circumstances under which the applicant was placed and also may be because of the fact that the removal is only for unauthorised absence and not for other misconduct.

8. A study of the order of the appellate authority once again leads us to think that even this order of the compulsory retirement may be of the harsh one because of the ^{observations of WT} appellate authority made himself in the order. Further the applicant was punished for unauthorised absence. We feel that a compulsory retirement for unauthorised absence ~~is~~ appears to be out of ^{proportion -} ~~appropriation~~ to the gravity of the charge. Hence there is need to reconsider the order of the appellate authority by which the applicant was compulsorily retired. A lesser punishment other than compulsory retirement in our opinion may ^{well} ~~need~~ the ends of justice. However the powers of the Tribunal are very limited and it is not permissible to interfere with the order passed by the authorities concerned ~~and~~ on the basis of the records available.

109! - Extension of Case

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL HYDERABAD
BENCH AT HYDERABAD

M.A.No. of 1999

in

O.A.No. 1555 of 1997



APPLICATION FILED UNDER RULES 8
OF CAT PROCEDURE RULES

Received
29/7/99.

B. NARASIMHA SHARMA,
Sr. CGSC.

Counsel for the Applicants/Response-nts.

For nt to Records
29/7/99

MA. 664/99 in O.A. 1555/97.

19/8/99.

Heard Mr. B. N. Sharma
for the applicants in the MA
~~and~~ None for the respondents.

Time is extended up to
28-9-99. No further extension
of time will be given.

The MA is disposed of.

HBCJP
MLT

HRRN
MID

पोस्टल/POSTAL

बेच केस/BENCH CASE

ऑरिजिनल/ORIGINAL

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD

M.A. NO. 664 of 1999
IN

O.A. NO. 1555 of 1997

Extension of time

L

Mr. B. N. Sharma

COUNSEL FOR THE APPLICANT/S

AND

MR. B. N. Sharma

STANDING COUNSEL

ADDE. STANDING COUNSEL FOR Gen. Govt.
SENIOR STANDING COUNSEL for Cen. Govt.
S.C. FOR RLYS.

M. B. S. A. Sathyanarayana
Advocate

Form No.9.
(See Rule 29)

BY.R.P.A.D.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.
1st Floor, H.A. Bhavan, Opp: Public Garden, Hyderabad. 500004.A.P.

ORIGINAL APPLICATION NO. **1555** OF 1997.

Applicant(S) **M. Rama Mohan Rao** V/S Respondent(S)
CPMG, A.P. Hyderabad & Another
By Advocate Shri **BSA. Satyanarayana** (Sv/Central Govt. Standing Counsel)
Sri. N.R. Devaraj, Sr. CGSC.
To.

- R-1. Union of India, rep. by Chief Postmaster General, Andhra Circle, Dak Sadan, Abids, Hyd.**
R-2. The Director of Accounts (Postal), Andhra Circle, Dak Sadan, Abids, Hyderabad.

Whereas an application filed by the above named applicant under Section 19 of the Administrative Tribunal Act, 1985 as in the copy annexed hereunto had been registered and upon preliminary hearing the Tribunal has admitted the application.

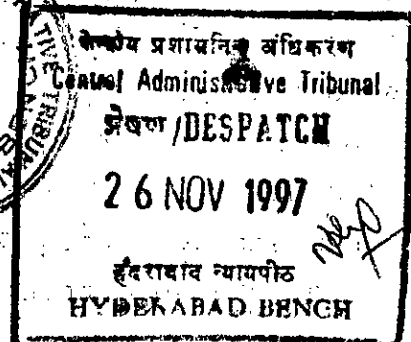
Notice is hereby given to you that if you wish to contest the application, you may file your reply along with the document in support thereof and after serving copy of the same on the applicant or his Legal practitioner within 30 days of receipt of the notice before this Tribunal, either in person or through a Legal practitioner/ Presenting Officer appointed by you in this behalf. In default, the said application may be heard and decided in your absence on or after that date without any further Notice.

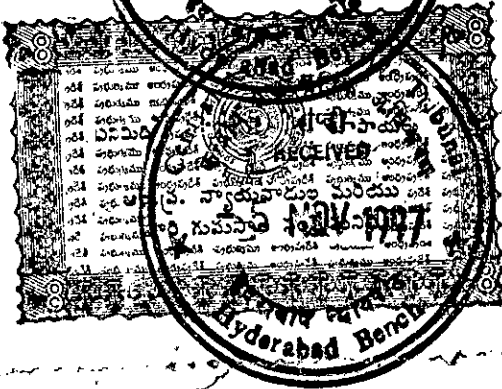
Issued under my hand and the seal of the Tribunal
This the **Twentieth** day of **November** 1997.

//BY ORDER OF THE TRIBUNAL//

Date: **25-11-1997.**

FOR REGISTRAR.





Hydrogen Sulfide

AT

CNA- No.

of 1907

Between :

M. Kana Tolan Lani

Plaintiff
Petitioner

**Appellant
Complainant**

A N D

Center of Excellence

**Defendent
Respondent**

Accused

VAKALAT

ACCEPTED

Filed on : 524-97

Filed by :

Advocate For

Address for Service

CRESCENT STATIONERS
Opp City Civil Court, Chatta Bazar; Hyd-2.
Phone : 5 2 5 9 1 2

OJ SA Seligman & Co
Box no 247 South End Park
MASSACHUSETTS
Hydrous Sulfate

CAT Hyderabad Bureau

AT Hyderabad

AT

On No.

1555

of 199 7

Between :

7. Name Bohanka

**Plaintiff
Petitioner
Appellant**

Complainant

AND

Curios of Dendrocybus

Defendant
Respondent

Accused

i/We M. Rana Tohankar 90 M.

Senganyang's Century Ago 53

Gen Vot Ex Senior Accounts

2/0 C/0 S. Sukahmayani; Andri Enbolicum;

Tenligstuen; Kalam - 533001 ENR

do here by appoint and retain

B.S.A. Safety are

BLM on 247 SOUTH END PARK

MANSCORAD Hydro. 50088

TRANSCORRADO Hydro-solids

Advocate/s to appear for me/us in the above Suit/Case to Conduct and prosecute and defend the same all proceeding that may be taken in respect of any application for execution on any decree order passed their in I/We empower my/our Advocate to appear in all miscellaneous proceedings in the above suit or matter till all Decrees or order are fully satisfied or adjusted to compromise and to obtain the return of Document and draw any money that may be payable to me/us in the suit or matter and we do further empower Advocate to accept on me/our behalf service of all or any appears or on petition filed any court of appeal reference or version with regard to the settlement or matter Disposal or the same in Honourable Court.

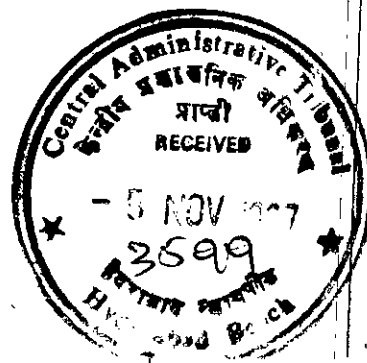
Mam Mohan Rao.

Certified that the execution who is well acquainted with English read Vakalatnama and that the contents of the Vakalatnama with English were read even in Telugu/Urdu to the executant he/she being in acquainted with English who appeal perfectly to understand the same and put/his/her/there name in my presence.

Identified by: Sri ASA Satyanarayana

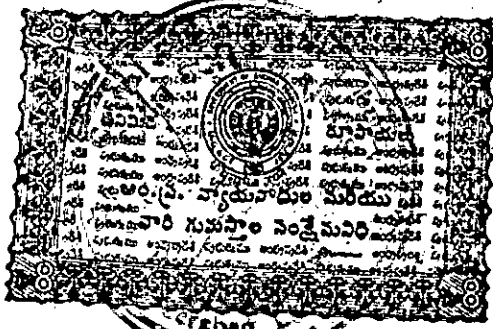
Executed on 45 day of Nov 1997

19/12
(K.J. Prasad)
ADVOCATE



Central Administrative Tribunal
Hyderabad Bench, Hyderabad.

O.A/B No. 1555 / of 1997



MEMO OF APPEARANCE

N.R. DEVARAJ
ADVOCATE

Standing Counsel for Railways
Senior Standing Counsel for Central Govt.

Counsel for *Respondents*

Address for Service :

Phone : 7610600

Plot No. 8, Lalithanagar
Jamai Osmania,
Hyderabad - 500 044.

Central Administrative Tribunal, Hyderabad Bench
HYDERABAD.

O.A. / RA. No.

1555

of 1997

BETWEEN

M. Ramamohan Rao

Applicant (s)

Vs.

The C.P.M.G.
W.P. Circle Wd & another

Respondent (s)

MEMO OF APPEARANCE

To,



I N.R. Devaraj, Advocate, having been authorised

(here furnish the particulars of authority)

by the Central/~~State~~ Government/~~Government Servant~~/ authority/corporation/society notified under Sec. 14 of the Administrative Tribunals. Act, 1985. Hereby appear for applicant No. /Respondent No. 1 & 2 and undertake to plead and act for them in all matters in the aforesaid case.

Place : Hyderabad.

Date : 25.3.98

Signature & Designation of the
Counsel

Address of the Counsel for Service

Plot No.8, Lalithanagar
Jamai Osmania
Hyderabad - 500 044.

N.R. DEVARAJ

Standing Counsel for Railways
Senior Standing Counsel for Central Govt.

CA. No. 664 of 1939
in
D. No. 1555 of 1937

Respondent

Dated: 19.8.39

1. The Chief Postmaster General,
P.O. Circle, Hyderabad.
2. The Director of Accounts (Postal),
P.O. Circle, Hyderabad.

.. Applicants

And

M. Venu Mahan Rao

.. Respondent

Counsel for the Applicants

: Mr. B. S. Sharma

Counsel for the Respondent

: Mr. C. L. Satyanarayana

ORDER:

THE HON'BLE. MR. JUSTICE : ORDER (A)

THE HON'BLE. MR. JUSTICE : ORDER (B)

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Heard Mr. B. S. Sharma for the Applicants in the CA.
None for the respondent.

Time is extended upto 29.8.39. No further extension of
time will be given.

The CA is disposed of.

24/-
Section Officer

Err

1 of 2
CA 664/39
CA 1555/37
19/8/39
24/8/39
B. S. Sharma

RECEIVED

THE HON'BLE MR. JUSTICE K. S. VENKATESH : MR. JUSTICE K. S. VENKATESH : MR. JUSTICE K. S. VENKATESH.

GA. No. 664 of 1933
in
GA. No. 1555 of 1937

Between:

Dated: 19.8.33

1. The Chief Commissioner General,
A.P. Circle, Hyderabad.
2. The Director of Accounts (Postal),
A.P. Circle, Hyderabad.

.. Applicants

and

M. Rama Purna Rao

.. Respondent

Counsel for the Applicants

: Mr. B. N. Sharma

Counsel for the Respondent

: Mr. P. A. Satyanarayana

ORDER:

THE HON'BLE MR. JUSTICE K. S. VENKATESH (A)

THE HON'BLE MR. JUSTICE K. S. VENKATESH (B)

o o o

THE HON'BLE MR. JUSTICE K. S. VENKATESH (A)

Heard Mr. B. N. Sharma for the applicants in the GA.
No. 664 of 1933.

Time is extended upto 28.8.33. No further extension of
time will be given.

The GA is disposed of.

Ref-
Section Officer

CRP

19/8/33

19/8/33
24/8/33

19/8/33
24/8/33

[Signature]

HYDRA...