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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.917 of 1999

DATE OF JUDGMENT: 4th APRIL, 2000

BETWEEN:

G.V.MURALI

.. APPLICANT

AND

1. The Superintendent of Post Offices,
Chittoor Division, Chittoor,

2. The Post Master General,
Kurnool Region,
Kurnool.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.V.SURYANARAYANA SASTRY

COUNSEL FOR THE RESPONDENTS: Mr.J.R.GOPALA RAO

CORAM:

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

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

JUDGEMENT

ORAL ORDER (PER HON'BLE SRI B.S.JAI PARAMESHWAR,
MEMBER (JUDL.))

Heard Mr.V.Suryanarayana Sastry, learned counsel for the applicant and Ms.Shakti for Mr.J.R.Gopala Rao, learned standing counsel for the respondents.

2. The applicant was working as Extra Departmental Branch Post Master, Moram Branch Office, Kolamasanapalle Sub Post Office, Palamaneru Mandal, Chittoor District. He remained absent from duties beyond 180 days in a particular year. Hence, a Memorandum bearing NO.B3/173 dated 19.3.1998 was issued to him alleging that the applicant had violated Rule 8 of the P & T EDA (C&S) Rules, 1964.

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3. An inquiry was conducted into the reasons for the absence of the applicant between 20.1.97 and 30.11.97. The applicant failed to participate in the inquiry proceedings even though he received the charge memorandum. The Inquiry Officer submitted the inquiry report during November, 1998. A copy of the inquiry report of the Inquiry Officer was furnished to the applicant on 5.12.98. The applicant received the same through his representative on 8.12.98. The applicant did not submit any explanation to the report of the Inquiry Officer within the time. However, his request for extension of time to submit explanation was not conceded to. Thus, the Disciplinary Authority viz., Senior Superintendent of Post Offices, Chittoor Division, Chittoor by his proceedings dated 26.2.99 imposed a penalty of removal of the applicant from service with effect from 26.2.99.

4. The applicant did not give his representation to the inquiry report having received the same. He did not submit appeal against the punishment order within the period prescribed. Even though he states that he had submitted the appeal, no proof is submitted in the OA affidavit. Hence the respondents issued the notification to fill up the said post by a regular candidate.

5. The applicant has filed this OA to call for the records relating to the proceedings dated 26.2.99 of the first respondent and quash the same as illegal, improper and arbitrary and for a consequential direction to the respondents to reinstate him into service.

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6. The respondents have filed reply. They submit that even though the charge memorandum was received by the applicant on 13.4.98 (Annexure R-V at page 19 to the reply) the applicant failed to submit any representation on the charge memorandum, that the applicant did not participate in the inquiry proceedings and the inquiry was concluded *ex parte*, that the report of the Inquiry Officer (Annexure R-VI at page 29 to the reply) was furnished to the applicant, that the applicant did not submit any representation within the time prescribed. However, the representation dated 28.12.98 was received by the respondents in which he prayed for extension of time. His request was not conceded as the extension of time was given once. Since he wanted further extension of time it was not given. As he did not submit any representation within 10 days of receipt of the letter dated 28.12.98, the respondent-authorities issued the punishment order and they justified the issue of the notification dated 2/3.6.99 for filling up the post regularly.

8. The applicant did not participate in the inquiry proceedings even though he had received the charge memorandum. Further, the applicant failed to submit himself in the inquiry. The applicant even after receipt of the report of the Inquiry Officer failed to submit his explanation within the stipulated time and also within the extended time. The charge memorandum indicated that the applicant remained absent from duty beyond 180 days in a year. The applicant failed to explain the reasons for his absence even though he was given sufficient opportunity to

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explain his absence.

9. The applicant attempts to make out a case that he was admitted in a hospital at Bangalore and that he had taken treatment at different hospitals at Bangalore. Even to substantiate his version, the applicant ~~had~~ not filed any material paper along with this application.

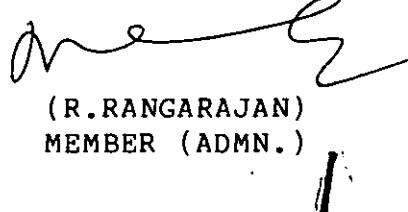
10. The applicant has not made out any specific contention for setting aside the punishment order of removal. The OA affidavit is very general in nature. The only point to be seen is whether the principles of natural justice have been followed in his case before awarding him the punishment. As pointed out, the applicant had received the charge sheet. If he ^{was} ~~is~~ unable to attend the inquiry due to his ill health, he should approach the Department to grant him time for appearing before the Inquiry Officer. He should ^{have} ~~also~~ produced the medical certificate to substantiate his case. We do not find any such material available before us in the OA affidavit. When the respondents submit that the applicant did not attend to duties, it has to be held that he ~~did not~~ attend ^{the} ~~for~~ duties for no reasons. Subsequently when the applicant received the inquiry report, he should have made an attempt to approach the authorities for conducting the inquiry as he did not attend due to his health condition. In that case also he should have produced a medical certificate to substantiate his case. We find no material available on record to come to the conclusion and to take action as indicated above. The applicant having received the inquiry report, should have replied in time. Even though the

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respondents gave him 10 more days to submit his defence explanation on the basis of the inquiry report, the applicant had asked further extension which was denied. That denial, in our opinion, does not amount to violation of the principles of natural justice as the applicant had been given sufficient time to submit his defence statement on the basis of the inquiry report. The applicant even though submits that he filed an appeal, no material is available to substantiate his case and the respondents submit that no such appeal has been received by them. From the above, it has to be held that the principles of natural justice are not violated by the respondents in disposing of his case. In that view of the matter, we find no merit in this OA and the OA is liable to be dismissed. Accordingly, it is dismissed. No order as to costs.



(B.S.JAI PARAMESHWAR)
MEMBER (JUDG)



(R.RANGARAJAN)
MEMBER (ADMN.)

DATED: 4th APRIL, 2000
Dictated in the open Court.

vsn

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

COPY TO:

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

1. HONJ

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN)

2. HRRN (ADMN) MEMBER

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

3. HBSJP (JUDL) MEMBER

4. D.R. (ADMN)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER

4/4/00

MA/RA/CP.NO.

IN

CA.NO.

917/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED ✓

DISMISSED AS WITHDRAWN HYDERABAD BENCH

ORDER/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अदिक्षित
Central Administrative Tribunal
हैदराबाद बांधवगांड

19 APR 2000

RECEIVED/RECEIVED