

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00327/2016

DATED THIS THE 8th DAY OF JANUARY 2018

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI PK.PRADHAN MEMBER(A)

Jayanna.H.E  
S/o Eraiah  
Aged about 43 years  
Working as GDS MD  
Hirisave Post Office-573124.  
Channarayapattana Taluk  
Hassan District.

...Applicant

(By Shri B.S.Venkatesh Kumar....Advocate)

vs.

1.Union of India represented  
by Secretary,  
Department of Posts.  
Ministry of Communications &  
Information Technology,  
Dak Bhavan,  
Parliament Street.  
New Delhi-110 001.

2.The Postmaster General.  
South Karnataka Region.  
Palace Road,  
Bangalore-560 001.

3.The Superintendent of Post Offices.  
Hassan Division. Hassan-573201.

4.The Ad hoc Disciplinary Authority &  
Asst Supdt of Posts (HQ)  
O/o Supdt of Post Offices,  
Hassan Division,  
Hassan-573 201.

5.The Inspector Posts.  
Channarayapattana Sub division  
Channarayapattana.

6.I.A & ASP(R)  
Hassan Division-573 201.

7.The Chief Registrar of Birth and  
Deaths and Tahsildar,  
Channarayapatna.

8.Sri.Radhakrishna Malya  
S/o Gopalakrishna Malya,  
Aged 43 years,  
Inspector Posts,  
Channarayapatna Sub Division.  
R/a KeshavaKripa, MIG-66.  
Behind Aravinda School,  
Kuvempunagara,  
Hassan-573201.

9.Sri.V.Y.Girish  
S/o Yugheshwar.  
Aged about 43Years.  
Sub Postmaster,  
Hirisave and now  
Working as Postal assistant  
Hirisave Post Office-573124.

10.The Sub Postmaster.  
Hirisave Sub Post Office,  
Hirisave-573124  
Channarayapatna,  
Hassan District.

11.Smt.K. Rekha,  
Assistant Supdt. of Post Offices,  
Hasan Division,  
Hassan.

...Respondents

(By Shri Gajendra Vasu, Sr. Panel Counsel )

O R D E R (ORAL)

HON'BLE DR. K.B. SURESH, MEMBER(J)

1. Heard. The matter is in a very short compass. Apparently, the respondents now agree that a person of his choice, but, of course under the rules, will be permitted to be his defence assistant. Shri B.S.Venkatesh Kumar, learned counsel for the applicant submits that the applicant has with him some documents which will indicate, even after the alleged death of the recipient of the Money Orders, she was alive and documents are there to prove. The applicant can produce all these documents during the Disciplinary Enquiry. That he is permitted to do so at the appropriate time. But, since the main issue is settled by the respondents, there is no need for the matter to be continued, as the Disciplinary Enquiry will commence as early as possible. Therefore, in the circumstances of the case, after discussions at the Bar, we feel that the Enquiry may commence on 1.2.2018 and may be completed within next 2 months time and appropriate orders passed. OA is disposed of as above. No order as to costs.

(PK.PRADHAN)  
MEMBER(A)

(DR. K.B. SURESH)  
MEMBER(J)

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**Annexures referred to by the applicant in OA No. 170/00327/2016**

**Annexure-A1:**Copy of Appreciation letter dated 5.12.2012

**Annexure-A2:**Copy of appreciation letter dated 3.7.2013

**Annexure-A3:**Copy of Letter dated 29.4.2013

**Annexure-A4:**Copy of Letter dated 29.4.2013

**Annexure-A5:**Copy of Letter dated 14.11.2013 with English Translation

**Annexure-A6:**Copy of Letter dated 22.5.2014 with English Translation

**Annexure-A7:**Copy of Complaint dated 20.3.2014 with English Translation

**Annexure-A8:**Copy of First Information Report dated 14.3.2014

**Annexure-A-9:**Copy of Bail order dated 26.3.2014

**Annexure-A-10:**Copy of Put off duty order dated 6.8.2014

**Annexure-A-11:**Copy of Appeal dated 29.1.2015 against put off duty order

**Annexure-A-12:** Copy of Rejection order dated 18.3.2015 on the appeal of the applicant

**Annexure-A-13:**Copy of Charge memorandum dated 19.5.2015

**Annexure-A-14:**Copy of Appeal against the charge memorandum dated 4.6.2015 with English translation

**Annexure-A-15:**Copy of RTI application seeking information regarding RPAD Letter sent on 4.6.2015 with English Translation

**Annexure-A-16:**Copy of Order dated 10.6.2015 appointing Inquiry Officer

**Annexure-A-17:**Copy of Order dated 10.6.2015 appointing Presenting Officer

**Annexure-A-18:**Copy of Letter dated 8.8.2015 seeking permission to engage Defence Assistant

**Annexure-A-19:**Copy of Letter dated 10.8.2015 rejecting the request for engaging ShavijiK.J. as defence assistant

**Annexure-A-20:**Copy of Applicant's ltr dated 11.8.2015 to keep the inquiry in abeyance

**Annexure-A-21:**Copy of Statement dated 8.3.2014 of 10<sup>th</sup> defendant

**Annexure-A-22:**Copy of Rule 259 A of P&T Manual Volume VI Part 1

**Annexure-A-23:**Copy of Rule 26 of P&T Manual Volume VI Part 1

**Annexure-A-24:**Copy of eMO No.0474910213689022 dated 13.2.2014

**Annexure-A-25:**Copy of Rule 256(2) of P&T Manual Volume VI Part 1

**Annexure-A-26:**Copy of Extract of Rule 13(1) of Standard Operating Procedure

**Annexure-A-27:**Copy of Rule 259A of P&T Manual Volume VI Part 1

**Annexure-A-28:**Copy of Rule 265(2)(d) of P&T Manual Volume VI Part 1

**Annexure-A-29:**Copy of Rule 266 of P&T Manual Volume VI Part 1

**Annexure-A-30:**Copy of eMOs referred to in the charge memorandum

**Annexure-A-31:**Copy of Death certificate of Ningamma with English translation dated 13.5.2015

**Annexure-A-32:**Copy of Life certificate dated 20.8.2015 of Ningamma with English translation

**Annexure-A-33:**Copy of SB Account Pass Book No.1102317 of Ningamma

**Annexure-A-34:**Copy of eMO No.047409140606764938 dated 6.6.2014

**Annexure-A-35:**Copy of eMO No.047409140786036 dated 10.7.2014

**Annexure-A-36:**Copy of Standard of Services clause 2.1.2 regarding Money Order

**Annexure-A-37:**Copy of eMO No.047409140606662530 dated 6.1.2014

**Annexure-A-38:**Copy of eMO No.047409140211677440 dated 11.2.2014

**Annexure-A-39:**Copy of eMO No.04740913110928815 dated 9.11.2013

**Annexure-A-40:**Copy of eMO No.047409130904584243 dated 4.9.2013

**Annexure-A-41:**Copy of eMO No.047409130405482609 dated 5.4.2013

**Annexure-A-42:**Copy of eMO No.047409130508494892 dated 8.5.2013

**Annexure-A-43:**Copy of eMO No.047409130703536592 dated 3.7.2013

**Annexure-A-44:**Copy of eMO No.047409130806554714 dated 6.8.2013

**Annexure-A-45:**Copy of eMO No.04740914010652360 dated 4.1.2013

**Annexure-A-46:**Copy of eMO No.047409130508494892 dated 8.5.2013

**Annexure-A-47:**Copy of eMO No.04740212686764 dated 12.2.2014

**Annexure-A-48:**Copy of Complaint from villagers dated 18.7.2014  
With English translation

**Annexure-A-49:**Copy of Copy of CVC Circular No.07/11/2014

**Annexures with reply statement:**

Annexure R-1: True copy of PRL District and Sessions Judge, case details.

Annexure R-2: True copy of the English version of Mahjar report dated 24.11.2014.

Annexure R-3: True copy of the English version of complaint received from members of public dated 18.7.2014.

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