

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD**

OA/020/782/2018

Date of Order: 14.08.2018

Between:

P. Kanaka Durga Rao,
S/o.Late Vasantha Rao,
Aged about 53 years,
Occ: GDSBPM, Group – C,
Antarvedigudem B.O. a/w Buttaigudem, SO,
Jangareddygudem, HO. Eluru Division, Eluru.

....Applicant

AND

1. The Director of Postal Services,
O/o. Postmaster General,
Vijayawada Region,
Vijayawada – 520 003.
2. The Sr. Superintendent of Post Office,
Eluru Division,
Eluru – 534 001.
3. The Superintendent of Post Office,
Eluru Division,
Eluru – 534 007.
4. The Inquiry Officer - cum-Assistant
Superintendent of Post Offices, (HQ),
O/o. Superintendent of Post Office,
Eluru Division, Eluru – 534 007.
5. The Presenting Officer & Inspector of Posts,
Eluru, South Sub Division,
Eluru – 534 001.

.....Respondents

Counsel for the Applicant : Mrs. Rachna Kumari
Counsel for the Respondents : Mrs. L. Pranathi Reddy, Addl. CGSC

CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDICIAL MEMBER
THE HON'BLE MR. B.V. SUDHAKAR , ADMIN. MEMBER

ORAL ORDER

(Per Hon'ble Mr. Justice R. Kantha Rao, Judicial Member)

Heard Smt. Rachna Kumari, learned counsel appearing for the Applicant and Smt. L. Pranathi Reddy, learned Additional Central Government Standing Counsel, who took Notices for the Respondents.

2. The Applicant, who is an EDBPM, was placed under suspension on 08.02.2017. Subsequently, the suspension order was revoked on 01.06.2017 and the department permitted him to join duties. However, subsequently, the Applicant was served with a charge memo levelling allegations of misappropriation of funds. An Inquiry Officer was appointed and the inquiry was concluded. On receiving the report of the Inquiry Officer wherein it was held that the charges levelled against the Applicant were proved, the disciplinary authority passed an order removing the Applicant from service with immediate effect. Feeling aggrieved, he filed the present O.A.

3. At the time of hearing of the O.A., it is brought to our notice by both the learned counsel that the Applicant filed an appeal against the removal order and the same is pending with the 1st Respondent. Since the appeal is pending with the 1st Respondent, we are not inclined to dispose of the O.A. on merits.

4. The learned counsel appearing for the Applicant contends that the 3rd Respondent who issued the charge memo is not competent to issue the same

and, therefore, the entire proceedings are vitiated.

5. Since the appeal is pending, we are not inclined to examine the said issue in the present O.A. Apart from other contentions, the Applicant can raise the said issue before the appellate authority and the appellate authority is directed to afford an opportunity of personal hearing to the Applicant and dispose of the appeal on merits by a reasoned order, recording findings in relation to all the contentions raised by the applicant, within two months from the date of receipt of a copy of the order. By the time of filing of the O.A, if the appeal has been disposed of or any relief is granted to the applicant, it is needless to mention that the orders passed subsequent to filing of the appeal remain unaffected by the instant order in the O.A.

6. The O.A. is disposed of accordingly at the stage of admission. No order as to costs.

**(B.V. SUDHAKAR)
ADMN. MEMBER**

**(JUSTICE R. KANTHA RAO)
JUDL. MEMBER**

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