

OA.No.170/01033/2016/CAT/Bangalore Bench
**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/01033/2016

DATED THIS THE 24th DAY OF AUGUST, 2018

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

HON'BLE SHRI C.V.SANKAR, MEMBER (A)

B.R.Basavaraja
S/o Rangaiah
Aged about 40 years
Working as Branch Post Master (Put off duty)
Agrahara Belaguli Branch Post Office
Nuggehalli-573131, Hassan District.

...Applicant

(By Advocate Sri B.S.Venkatesh Kumar)

Vs.

1. Union of India
Represented by Secretary to Government
Department of Posts
Ministry of Communications & Information Technology
Dak Bhavan, Parliament Street
New Delhi-110 001.
2. The Chief Postmaster General
Karnataka Circle
Palace Road, Bangalore-560 001.
3. The Director of Postal Services
South Karnataka Region
GPO Building, Bangalore-560 001.
4. The Superintendent of Post Offices
Hassan Division, Hassan-573 201.
5. The Inspector Posts
Channarayapattana Sub Division
Channarayapattana-573 116.
6. Sri.Shankarappa B.M
Asst.Suptd.of Post Offices
Arsikere Sub Division
Arsikere-573 103.
7. Sri.Nagesha
Mailoverseer
Channarayapattana Sub Division
Channarayapattana-573 116.

8. Smt.Rajamma
W/o.Huchanayak
Resident of Agrahara Belaguli Village
Nuggehalli Post-573131
Hassan Dist.

...Respondents

(By Advocate Shri Vishnu Bhat)

O R D E R (ORAL)

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

Heard the Learned Counsels for both the parties. It appears that the defence assistant was not provided to the applicant at the time of cross-examination of the witnesses. The case of the applicant is that it has prejudiced to his case. The respondents have a case that afterwards when the matter was being heard, defence assistant was given. But then it was not sufficient as the valuable right of the applicant has to be compromised. It is set aside. As a consequential order for the commencement of the inquiry and the examination of the witnesses to imposing of the punishment and the inquiry report, the matter is remitted back to the same authority to commence at the same level it was stopped and commence at the level of examination of witnesses and continue it. The inquiry as such to be conducted and completed within next two(2) months. The OA is therefore disposed off. No costs.

(C.V.SANKAR)
MEMBER (A)

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

/ps/

Annexure-A1: Copy of FIR dtd.19.10.2016 with English translation
 Annexure-A2: Copy of Put off duty order dtd.2.6.2016
 Annexure-A3: Copy of information sent by duty doctor to police
 Annexure-A4: Copy of CT Scan underwent by the applicant
 Annexure-A5: Copy of English translated copy of FIR dtd.2.6.2016
 Annexure-A6: Copy of appeal dtd.8.6.2016 against POD order
 Annexure-A7: Copy of charge memorandum dtd.23.9.2016
 Annexure-A8: Copy of representation dtd.6.10.2016
 Annexure-A9: Copy of order dtd.18.10.2016 appointing IO
 Annexure-A10: Copy of order dtd.18.10.2016 appointing PO

Annexures with reply statement:

Annexure-R1: Copy of pass book
 Annexure-R2: Copy of letter dtd.28.04.2016
 Annexure-R3: Copy of ledger balance of SSA 2139543533
 Annexure-R4: Copy of SB Pass Book of A/C No.2139388073
 Annexure-R5: Copy of ledger balance of SB 2139388073
 Annexure-R6: Copy of statement dt.30.05.2016 of Smt.Rajamma
 Annexure-R7: Copy of statement dt.30.05.2016 of applicant
 Annexure-R8: Copy of letter dtd.30.05.2016
 Annexure-R9: Copy of Mahazar
 Annexure-R10: Copy of FIR No.121/2016
 Annexure-R11: Copy of Memorandum dtd.22.08.2016
 Annexure-R12: Copy of letter dtd.13.12.2016
 Annexure-R13: Copy of Daily Order sheet dtd.19.11.2016

Annexures with rejoinder:

Annexure-A11: Copy of R4 letter dtd.20.10.2016
 Annexure-A12: Copy of applicant's letter dtd.23.10.2016 with English translation
 Annexure-A13: Copy of daily order sheet dtd.26.12.2016
 Annexure-A14: Copy of applicant's letter dtd.28.12.2016
 Annexure-A15: Copy of R4 letter dtd.2.1.2017
 Annexure-A16: Copy of applicant's letter dtd.27.1.2017
 Annexure-A17: Copy of applicant's letter dtd.31.1.2017
 Annexure-A18: Copy of daily order sheet dtd.31.1.2017
 Annexure-A19: Copy of applicant's letter dtd.10.3.2017 with English translation
 Annexure-A20: Copy of daily order sheet dtd.10.3.2017
 Annexure-A21: Copy of letter dtd.31.3.2017 forwarding POs report
 Annexure-A22: Copy of applicant's letter dtd.21.4.2017
 Annexure-A23: Copy of R4 letter dtd.3.5.2017
