

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/000731/2018

DATED THIS THE 9TH DAY OF APRIL, 2019

**HON'BLE DR.K.B.SURESH
HON'BLE SHRI C.V. SANKAR**

**...MEMBER(J)
...MEMBER(A)**

Ananda K
Age: 27 years,
S/o Late Krishnappa
Working as GDS/MD on Stop gap basis,
Kolar Postal Division,
Kolar-563101.
Residing at:
Janagatta Village,
Kolar District-563126.

...Applicant

(BY Advocate Shri P. Kamalesan)

Vs.

1. Union of India,
Represented by Secretary,
Department of Post,
Dak Bhavan,
New Delhi.
2. Post Master General
S K Region
Bangalore – 560 001.
3. Chief Post Master General
Karnataka Circle,
Bangalore-560 001.
4. Superintendent of Post Offices,
Kolar Division,
Kolar-563102
5. Assistant Superintendent of
Post Offices,
Kolar Sub Division,
Kolar – 563 102.

...Respondents

(By Standing Counsel Shri M. V. Rao for the respondents)

ORDER (ORAL)

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

Heard. The matter is in a very short compass. Applicant has worked as GDS for 2 ½ years and he was terminated for the re-instatement of some other person. Apparently that was not indicated in the appointment order also, as stated by the learned counsel for the applicant.

2. Shri P. Kamalesan, learned counsel for the applicant relies on Rule of GDS (Conduct and Engagement) Rules as well as proviso, which we quote;

“Termination of Engagement:

"(1) The engagement of a Sevak who has not already rendered more than three years' continuous service from the date of his engagement shall be liable to be terminated at any time by a notice in writing given either by the Sevak to the Recruiting Authority or by the Recruiting Authority to the Sevak:

(2) The period of such notice shall be one month:

Provided that the service of any such Sevak may be terminated forthwith and on such termination, the Sevak shall be entitled to claim a sum equivalent to the amount of Basic Time Related Continuity Allowance plus Dearness Allowance as admissible for the period of the notice at the same rates at which he was drawing them immediately before the termination of his service, or, as the case may be, for the period by which such notice falls short of one months."

NOTE. - Where the intended effect of such termination has to be immediate, it should be mentioned that one month's Time Related Continuity Allowance plus Dearness Allowance as admissible is being remitted to the Sevak in lieu of notice of one month through money order."

3. Therefore, the applicant will be eligible for one month's pay along with Dearness Allowance, but then his termination order will stand. OA therefore, with

the above observation and direction, dismissed. Payment as related to Rule 8 will be made available to him within the next one month. No costs.

(C.V. SANKAR)
MEMBER(A)

Vmr

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

Annexures referred to by the Applicant in OA No.170/00731/2018

Annexure A1	Copy of office of Assistant Superintendent of Post offices, Kolar Sub division, Kolar letter No.PF/GDS/MD/MC/ARB/14 dated 3.12.2015
Annexure A2	Copy of Charge report dated 23.3.2016
Annexure A3	Copy of Charge report dated 23.3.2016
Annexure A4	Copy of ASP Kolar Sub division, Memo No.GDS MD/TMK/16 dated 12.8.2016
Annexure A5	Copy of Representation dated 16.7.16
Annexure A6	Copy of Assistant Superintendent of Post Offices, Kolar Sub-Division, Memo No.GDS/MD/UTN/16 dated 31.10.2016
Annexure A7	Copy of representation dated 30.1.2017
Annexure A8	Copy of Representation dated 23.6.2017 and 19.7.2017
Annexure A9	Copy of Superintendent of Post Offices, Kolar Division, letter No.B2/28-3/KLR/Dlgs dated 13.12.2017
Annexure A10	Copy of representation dated 3.1.2018
Annexure A11	Copy of Superintendent of Post Offices, Kolar Dn, letter No.B2/28-3/KLR dated 5.1.2018
Annexure A12	Copy of representation dated 24.1.2018
Annexure A13	Copy of superintendent of Post offices, Kolar Dn, letter NO.B2/GDS/Misc/Dlgs dated 5.3.2018
Annexure A14	Copy of Rule 8 of GDS (Conduct & Engagement) Rules 2011.

Annexure with Reply Statement

Annexure R1	Copy of Notification dated 17.10.2013
Annexure R2	Copy of letter dated 11.11.2013
Annexure R3	Copy of Form of application for the post of GDS other than GDS SPM/BPM
Annexure R4	Copy of Minutes of Selection Committee dated 6.12.2013
Annexure R5	Copy of the letter dated 6.12.2013
Annexure R6	Copy of Charge Report dated 13.1.2014

Annexure R7	Copy of Provisional Engagement Order dated 13.1.2014
Annexure R8	Copy of Disciplinary Action dated 26.11.2015
Annexure R9	Copy of the Appeal dated 12.12.2015
Annexure R10	Copy of order/reply dated 16.3.2016 to the Appeal
Annexure R11	Copy of DG P&T letter Pen. Dated 18.5.1979 and Circular No.19-34/99-ED & Trg dated 30.12.1999
Annexure R12	Copy of the Order in OA No.170/00006/2017 dated 03.02.2018
