

**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BENGALURU**

**ORIGINAL APPLICATION NO.170/000731/2018**

**DATED THIS THE 9<sup>TH</sup> 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

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