

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.5117 of 2016

Date:26.02.2016

Between:

The Union of India, repled by the
Chief Postmaster General, A.P.
Circle, Hyderabad and two others.

....**Petitioners**

And:

A.Nageswara Rao,
S/o C.V.Narsaiah and another.

.....**Respondents**

Counsel for the petitioners: Mr. D.Appa Rao
representing Mr. B.Narayana Reddy
Assistant Solicitor General

Counsel for the Respondents: None appeared

The Court made the following:

ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

This Writ Petition is filed for a *Certiorari* to quash order, dated 16.02.2015, in O.A.No.93 of 2012 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short 'the Tribunal').

We have heard Mr. D.Appa Rao, learned counsel, representing Mr. B.Narayana Reddy, learned Assistant Solicitor General, appearing for the petitioners and perused the record.

Respondent No.1 was initially appointed as Extra Departmental Branch Postmaster at Singarayapalem Branch Post Office in Khammam District. Disciplinary proceedings were initiated against him and he was placed under 'put off' duty with effect from 06.9.1982 until 05.9.1991, when he was reinstated. Initially, gratuity was paid to him during the said period. However, later, on a Review, he was denied gratuity for the period during which he was placed under 'put off' duty. Feeling aggrieved by the said action, respondent No.1 filed O.A.No.93 of 2012 before the Tribunal. Based on the judgment, dated 10.11.2007, of the Punjab and Haryana High Court in CWP.No.5290 of 2009, filed by one Avatar Singh, which was confirmed by the Supreme Court, the Tribunal held that the impugned memo is contrary to the said judgment and accordingly, allowed the said O.A.

The fact that in the case of Avatar Singh, the Punjab and Haryana High Court has set aside an order identical to the order impugned by respondent No.1 before the Tribunal and that the same was confirmed by the Supreme Court is not disputed by the learned counsel for the petitioners.

Therefore, we do not find any reason to interfere with the impugned order of the Tribunal allowing the said O.A., filed by respondent No.1, based on the above-mentioned judgment of the Punjab and Haryana High Court.

The Writ Petition is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.6530 of 2016 filed by the petitioners for interim relief is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE M.S.K.JAISWAL

*26th February, 2016
DR*