



HIGH COURT OF ANDHRA PRADESH
MONDAY ,THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE AHSANUDDIN AMANULLAH
THE HONOURABLE MS JUSTICE B S BHANUMATHI
WRIT PETITION NO: 11510 OF 2004

Between:

1. M. Rama Koteswara Rao, S/o. Venkata Krishnaiah,
GDS POST MASTER,
Karuchola PO,
R/o. Karuchola, Eldapadu Mandal,
Guntur District.

...PETITIONER(S)

AND:

1. The Postmaster General, Vijayawada Region, Vijayawada.
2. The Director of Postal Service, Vijayawada Region, Vijayawada.
3. The Superintendent of Post Offices, Vijayawada Division.
4. The Superintendent of Post Office, Narsaraopet Division.

...RESPONDENTS

Counsel for the Petitioner(s): A RAJENDRA BABU

Counsel for the Respondents: K JAGADISHWAR REDDY

The Court made the following: ORDER

**HIGH COURT OF ANDHRA PRADESH AT AMARAVATI****THE HON'BLE Mr. JUSTICE AHSANUDDIN AMANULLAH
AND
THE HON'BLE Ms. JUSTICE B. S. BHANUMATHI****WRIT PETITION No. 11510 of 2004**

M. Rama Koteswara Rao,
S/o. Venkata Krishnaiah,
Aged 64 years, GDS Post Master,
Karuchola BO, R/o.Karuchola,
Edlapadu Mandal, Guntur District.

.... Petitioner

Versus

1. The Postmaster General,
Vijayawada Region, Vijayawada.
2. The Director of Postal Service,
Vijayawada Region, Vijayawada.
3. The Superintendent of Post Offices,
Vijayawada Division.
4. The Superintendent of Post Office,
Narsaraopet Division.

.... Respondents

Counsel for the petitioner : Mr. A.Rajendra Babu,
Advocate.

Counsel for the respondents : ----

ORAL JUDGMENT**Date: 27.12.2021**

(Per Hon'ble Mr. Justice Ahsanuddin Amanullah)

Mr. A. Rajendra Babu, learned counsel for the petitioner, is present.

2. The challenge made in the present writ petition is to the order dated 18.02.2004 passed by the Central Administrative Tribunal, Hyderabad Bench at Hyderabad, (for short the 'Tribunal') in OA No.1330 of 2003 by which the OA has been partly allowed by setting aside the penalty of dismissal without any backwages.



3. Learned counsel for the petitioner submitted that the petitioner was appointed as GDS Branch Post Master of Karuchola Branch Office, Edlapadu, Narasaraopet Division on 05.09.1992 and at the same time, he was also in State Government service as Village Administrative Officer (VAO) and posted to Jaladi group of villages which includes Karuchola Village and while he was working as VAO, action was taken against the petitioner and after conducting inquiry, by order dated 12.04.2000 he was dismissed from service as VAO and for the said reason, the petitioner was also dismissed from the post of Branch Post Master. Learned counsel submitted that ultimately, in the appeal preferred by the petitioner, the Commissioner, Appeals, Office of the Land Administration, Government of Andhra Pradesh, Hyderabad, by proceedings dated 21.02.2003, has allowed the appeal in part and set aside the punishment of dismissal from service and modified the penalty of dismissal from service to that of penalty of Rs.5,000/- and he was reinstated into service on the ground that the petitioner was denied proper opportunity to represent the case. Learned counsel submitted that the Tribunal, after noticing the factual matrix of the case, has interfered in the matter and allowed the OA in part and ordered reinstatement of the petitioner into service by treating the period from the date of dismissal till the reinstatement as 'on duty' only for continuity of service and for pensionary benefits, without backwages, which is unreasonable and therefore, requires to be interfered with. Learned counsel submitted that once the dismissal order is interfered with, the petitioner is entitled to backwages and further, in that service, besides wages there is no other pensionary benefits.



4. Having considered the matter, the Court does not find any ground to interfere in the order impugned.

5. The petitioner has been shown indulgence by the Tribunal while setting aside the dismissal order has modified the penalty to Rs.5,000/-, which obviously is stigmatic in nature. However, the question of backwages being denied cannot be faulted for the reason that 'no work no pay' is a settled law and also that the petitioner has not been exonerated of the charges which led to the dismissal and only the punishment shall be modified to that of penalty of Rs.5000/- and that too, on the self admission of the applicant with regard to the charges. Thus, once the petitioner has been held to be guilty and only the quantum of punishment was interfered with i.e., dismissal from services to that of penalty of Rs.5,000/-, the claim of the petitioner for entitlement of all perks of his service under the respondent no.3 is not legally tenable. Further, once the petitioner had crossed the age of superannuation much prior to passing of the impugned order by the Tribunal, the observation of treating him 'on duty' only for continuity of service and for pensionary benefits does not have any relevance in the facts and circumstances of the case.

6. For reasons aforesaid, the writ petition stands dismissed. No order as to costs.

7. Miscellaneous Applications, if any pending, also stand disposed of.

(AHSANUDDIN AMANULLAH,J)

(B. S. BHANUMATHI,J)

Mjl/*



THE HON'BLE Mr. JUSTICE AHSANUDDIN AMANULLAH

AND

THE HON'BLE Ms. JUSTICE B. S. BHANUMATHI

WRIT PETITION No. 11510 2004

27.12.2021

*Mjl/ **