

A KARNATAKA PUBLIC SERVICE COMMISSION

v.

P.S. RAMAKRISHNA

JANUARY 17, 1996

B [K. RAMASWAMY, B.L. HANSARIA AND S.B. MAJMUDAR, JJ.]

*Service Law :*

C *Order of the Tribunal—Set aside in view of the law laid down by Supreme Court and as the matter is covered by the decision.*

*Karnataka Public Service Commission & Ors. v. B.M. Vijay Shanker & Ors., [1992] 2 SCC 206, held applicable.*

D CIVIL APPELLATE JURISDICTION : Civil Appeal No. 2413 of 1996.

From the Judgment and Order dated 18.12.90 of the Karnataka Administrative Tribunal at Bangalore in A. No. 6612 of 1990.

M. Veerappa for the Appellant.

E The following Order of the Court was delivered :

F Though the notice was sent to the respondent on September 28, 1993, it came back with an endorsement "Not present. Hence return to sender". It would be obvious that the respondent is avoiding service. Notice must, therefore, be deemed to have been on the respondent.

Leave granted.

G The controversy raised in this case is covered by the decision of this Court in *Karnataka Public Service Commission & Ors. v. B.M. Vijaya Shanker & Ors., [1992] 2 SCC 206.*

Following the said decision, the appeal is allowed and the order of the Tribunal is set aside, but without costs.

G.N.

Appeal allowed.