

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00105/2020

DATED THIS THE 10TH DAY OF FEBRUARY 2020

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

HON'BLE SHRI CV. SANKAR, MEMBER (A)

H.Satish,  
Age: 53 years  
S/o Honnagangappa  
Working as Post Man,  
Koratagere -572129  
Residing at: "Manju Nilaya"  
Behind Vishalakshamma,  
Sabha Bhavana,  
Maruthinagar,  
Settihalli Main Road  
Tumkur-572102 .....Applicant

(By Advocate Shri P.Kamalesan)

vs.

1. Union of India,  
Represented by Director General,  
Department of Post,  
Dak Bhavan, New Delhi – 110001.

2. Chief Post Master General,  
Karnataka Circle,  
Bangalore 560 001

3. Director of Postal Services,  
SK Region,  
O/o Post Master General,  
SK Region,  
Bangalore 560 001

4. Sri HN.Ganesha,  
I.A & ASP  
O/o Superintendent of Post Offices,  
Tumkur Division,  
Tumkur 572 101. ....Respondents.

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

1. Heard. The matter is in a very small compass. Applicant being a Post Man was alleged to have not delivered Money Orders to the alleged recipients. They seem to have given statement to the departmental authority that they have not in fact received the same. Applicant therefore, filed a private criminal complaint under section 190 & 200 of Cr PC which was sent for Police investigation. They had seized these documents, which undoubtedly are relevant documents to FSL examination and FSL had found that signatures are identical, thereby indicating that it might be untrue. The statement given by these witnesses might be untrue.

2. Now, the applicant claims that his grievances is that the Inquiry Officer is not accepting these documents saying that they are not relevant. Quite obviously the department had chosen a wrong Inquiry Officer, as this document is a most relevant which will decide the matter once and for all as to whether the allegations are correct or not. We do not want to say anything on the acceptability of this document, but these are relevant documents and at the juncture of the enquiry, the Inquiry Officer will accept these documents and will, when writing the report analyze this and issue an appropriate report. We also think that the Inquiry Officer may not have been correct in his approach and it shall be the duty of any Inquiry Officer to advance the

cause of truth and not to stifle. Therefore, we will remit this matter to the consideration of the concerned Disciplinary Authority to consider whether they need to change the Inquiry Officer or not. OA is allowed to this limited extent in-limine. If the same Inquiry Officer is continued with the enquiry also, then these documents shall be accepted and analyzed in the proper form.

3. OA is allowed. No order as to costs.

(CV. SANKAR )  
MEMBER(A)

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

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Annexures referred to by the Applicant in OA.No105/2020

Annexure A-1: Copy of Hon.CAT Bangalore order dated 29.8.2016 in OA.1351/2015

Annexure A-2: Copy of applicant's request dated 6.2.2019

Annexure A-3: Copy of daily order sheet No.4 dated 12.6.2019.

Annexure A-4: Copy of bias petition on 3.7.2019.

Annexure A-5: Copy of memo dated 7.1.2020

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