

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the 1st day, Monday of June Two Thousand And Twenty

PRESENT:

THE HON'BLE MR. P. MADHAVAN, MEMBER(J)

THE HON'BLE MR. T. JACOB, MEMBER(A)

O.A.310/1417/2014

T. Vasudevan,
S/o. Thiyagaraja Iyer,
59/58, North South Agraharam,
Musiri,
Thiruchirappally-District.

.....Applicant

(By Advocate: M/s. N. Hariharan Nair)

Vs

1. Union of India Rep. By
Secretary to Govt.
Department of Post and Telegraph,
108E, Dak Bhavan, Sansad Marg,
New Delhi- 110 001;
2. The Post Master General,
Central Region-TN,
Thiruchirappally- 620 001;
3. The Superintendent of Post Office,
Srirangam Division,
Srirangam,
Trichy-620 006.

.....Respondents.

(By Advocate: Mr. J. Vasu)

ORDER

(Pronounced by Hon'ble Mr. P. Madhavan, Member(J))

This is an OA filed seeking the following reliefs:-

"to set aside the impugned order of the second respondent in Memo No.STC/4-10/2009 dated 06.10.2009 in so far as it relates to upholding the second part of the appellate authorities order treating the period of suspension and the period between removal and reinstatement as non-duty period for all purpose and direct the respondents to consider the period of suspension and the period between termination and reinstatement (27/12/2006 to 19.05.2008 and 20.05.2008 to 24.11.2008) as duty periods with all service and monetary benefits and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice."

2. In short, the applicant's case is that while working as GDS-Mail Carrier in 2006, the Inspector of Posts, Mistri had issued a memo seeking explanation from him for causing delay in handing over mail-bag on 15-11-06. It was also alleged that the applicant had also used harsh words against the Inspector. Disciplinary Proceedings was initiated and he was terminated from service, Thereupon, he filed an appeal before the appellate authority and the appellate authority had set

aside the order of termination and reduced the punishment to "Censure". It was also ordered that the 'put-off duty' and the 'period between termination and reinstatement' will be considered as 'non-duty period' and denied the monetary benefits. Eventhough, he had filed a Review Application to the President, no reply is received till date. Hence, this OA is filed to set aside 2nd part of the punishment ordered by the 2nd respondent- regarding 'suspension' and 'put off duty' and to consider 'non-duty period' as duty period with service and monetary benefits.

3. The respondents filed a reply. According to them, the applicant was on duty to convey B.O bags of Mattupatty BO, Sittillary BO and Shumbalam and Musiri BO. It was reported that the applicant had failed to collect the bag from Mattupatty and to convey the same to Musiri SO on 14-11-06. Accordingly, the Inspector of Post sought explanation from the applicant. He behaved in a disorderly manner on 27-12-06 at 4-30pm after entering the office and threw a letter on the Inspector of Posts and shouted unparliamentary words at him. The applicant was placed under 'put-off duty' w.e.f. 27-12-06. A charge memo was given to him on 06-07-07 and an inquiry officer was also appointed. In the preliminary inquiry date itself, the applicant was informed that he can appoint a Defence Assistant.

But the applicant did not take any steps for the same. The applicant was given two dates 13-09-07 and 15-10-07 for verification of documents. Thereafter, matter was posted for inquiry. The applicant did not attend the inquiry. He had given a Written Statement on 18-12-07. After the inquiry, the IO report was filed and a copy was sent to the applicant on 15-04-08. The applicant had filed a representation on 6-5-08 on the report. After considering the IO report and representation of the applicant, the ad-hoc disciplinary authority passed the order of "**Removal from Service**" on 19-05-08. The applicant filed an Appeal and Appellate Authority had reduced the punishment and applicant was reinstated with a penalty of "**Censure**". The applicant filed a Revision and it was rejected on 06-10-09. This OA was filed only in 2014. There is in-ordinate delay in filing the OA and it is liable to be dismissed.

4. We had heard the counsels appearing for both sides and gone through the various annexures and pleadings.

5. It is seen that the applicant was given all opportunities to inspect all documents relied on by the Disciplinary Authority and he was also given an opportunity to appoint a Defence Assistant. But the applicant did not avail the opportunity and did not participate in the Inquiry. He had filed his statement before the D.A and the

order of the Removal was passed. We could not find any illegality or irregularity in the procedure followed in the case. The Appellate Authority has considered his case sympathetically and the penalty was reduced to one of "**Censure**". *The only grievance of the applicant is that the period of put off duty and the period between termination and re-instatement was not considered as duty by the respondents.* We find no reason to interfere with the second part of the impugned order regarding the above aspect. The punishment imposed is very light and it is not disproportionate to the gravity of the misconduct. It has come to our notice that the OA is filed after considerable delay and the OA is barred by limitation. So the OA is liable to be dismissed due to lack of merits and due to limitation also. **So, we hereby dismiss the OA accordingly. No costs.**

(T. JACOB)
MEMBER(A)

(P. MADHAVAN)
MEMBER(J)

.06.2020