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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00047/2018

Wednesday, this the 1st day of January, 2020

C O R A M :

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER**

Bindia.K.G.,
W/o.Bijumon.A.S.,
Aged 34 years,
Postal Assistant,
Attingal H.O., Department of Posts.
Residing at Karthika, Panchayath Office Road,
Venjaramood P.O., Thiruvananthapuram. ...Applicant

(By Advocate Mr.V.Sajithkumar)

v e r s u s

1. Union of India
represented by the Secretary to the Government of India,
Department of Post, Government of India,
New Delhi – 110 001.
2. The Chief Postmaster General,
Kerala Circle, Trivandrum – 695033.
3. The Senior Superintendent of Post Offices,
Thiruvananthapuram North Division,
Thiruvananthapuram – 695 001. ...Respondents

(By Advocate Mr.K.C.Muraleedharan, ACGSC)

This application having been heard on 1st January 2020, the Tribunal on the same day delivered the following :

ORDER (ORAL)

Per : Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

The applicant is aggrieved by the action initiated against her by Annexure A-10 charge sheet alleging default of Rs.55,157/- from the accounts of six depositors due to alleged fraud committed by her.

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2. When the matter had been heard earlier, in the first instance, learned counsel for the applicant had pointed out that a Rule 14 inquiry for imposition of major penalty was already initiated against the applicant as per Annexure A-7. He pointed out that a parallel proceeding under Rule 16 against the same applicant relating to the same instance had been in progress as per Annexure A-10. Finding merit in the pleadings of the learned counsel for the applicant, this Tribunal had found it fit to stay the inquiry under Rule 16 initiated, which is the subject matter of challenge in this O.A.

3. Today, when the matter was heard in detail learned counsel for the respondents submitted that although the applicant in both the O.As is one and the same person, the action which is the subject matter of the Revenue Recovery in O.A.No.180/563/2019, is not based on the same set of illegalities committed by the applicant. Drawing our attention to the charge sheet, a copy of which is available at Annexure A-10, he mentioned that six depositors who have been the victim of the fraud, do not find a place in the other proceeding.

4. Based on the pleadings and the contentions raised by both the sides, we rule that the stay on the action initiated under Rule 16 of CCS (CCA) Rules, 1965 against the applicant vide interim order dated 17.1.2018 is hereby vacated. It is further ordered that the proceeding may be expeditiously completed, at any rate, within a period of two months from the date of receipt of a copy of this order. The applicant will be free to approach this Tribunal in the event of any grievance persists after the completion of the inquiry.

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5. The O.A stands disposed of accordingly. No costs.

(Dated this the 1st day of January 2020)

ASHISH KALIA
JUDICIAL MEMBER

E.K.BHARAT BHUSHAN
ADMINISTRATIVE MEMBER

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List of Annexures in O.A.No.180/00047/2018

- 1. Annexure A-1** – A copy of the Memo F1/4-1/2015-16(2) dated 6.10.2015 issued by the 3rd respondent.
 - 2. Annexure A-2** – A copy of the Order No.F1/4-1/2015-16(2) dated 11.1.2016 extending suspension issued by the 3rd respondent.
 - 3. Annexure A-3** – A copy of the judgment dated 9.7.2015 in W.P.(C) No.35158/2007 of the Hon'ble High Court.
 - 4. Annexure A-4** – A copy of the order dated 17.2.2017 in O.A.No.26/2017 of the Hon'ble CAT, Ernakulam Bench.
 - 5. Annexure A-5** – A copy of the order No.F1/4-1/2015-16 dated 26.12.2016 issued as per order No.26.12.2016 issued by the 3rd respondent.
 - 6. Annexure A-6** – A copy of the Memo No.F1/4-1/2015-16(2) dated 23.6.2017 issued by the 3rd respondent.
 - 7. Annexure A-7** – A copy of the Charge Sheet issued as per Memo No.F1/4-1/2015-16 dated 23.6.2017 by the 3rd respondent.
 - 8. Annexure A-8** – A copy of the Order No.F1/4-1/2015-16 dated 1.6.2017 issued by the 3rd respondent.
 - 9. Annexure A-9** – A copy of the letter dated 21.6.2017 submitted by the applicant before the 3rd respondent.
 - 10. Annexure A-10** – A copy of the Charge Sheet issued as per Memo No.F1/4-3/2017-18 dated 1.12.2017 issued by the 3rd respondent.
 - 11. Annexure A-11** – A copy of the representation dated 27.12.2017 submitted by the applicant before 3rd respondent.
 - 12. Annexure A-12** – A copy of the Memo No.F1/4-3/2017-18 dated 8.1.2018 issued by the 3rd respondent.
 - 13. Annexure A-13** – A copy of the order dated 5.8.2011 in O.A.No.878/2009 and connected cases of this Hon'ble Tribunal.
 - 14. Annexure R-1** – A copy of the Memo No.F1/4-1/2016-16(2) dated 19.1.2018.
 - 15. Annexure R-2** – A copy of the judgment of Supreme Court in Union of India and another v. Kunisetty Satyanarayana, (2006) 12 SCC 28.
 - 16. Annexure R-3** – A copy of the judgment of Supreme Court in Union of India v. Ashok Kacker (1995) Supp. 1 SCC 180.
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