

**Central Administrative Tribunal
Hyderabad Bench**

OA No.021/117/2020

Hyderabad, this the 10th day of February, 2020

Hon'ble Mr. B. V. Sudhakar, Member (A)

Kurumurthy S/o Gajjalappa
Age about 57 years
Sub Postmaster, (Under Suspension)
Industrial Estate, TSO, Mahabubnagar
H.No.8-79/9, Employees Colony
Marlu, Mahabubnagar 509001.

.... Applicant(s)

(By Advocate: Mr. M. Venkanna)

Vs.

1. Union of India represented by
Secretary
Department of Posts – India
Ministry of Communication & IT
Dak Sadan, Sansad Marg
New Delhi – 110 001.
2. The Chief Postmaster General
Telangana Circle
“Dak Sadan”
HYDERABAD – 500 001.
3. Director of Postal Services
%The Postmaster General
Hyderabad Region, Hyderabad – 500001.
4. The Superintendent of Post Offices
Mahabubnagar Division
MAHABUBNAGAR 509 001. .. Respondent(s)

(By Advocate: Mr. C.Vijaya Laxmi, proxy of Mr. T.Hanumantha Reddy, Sr. PC for CG)



ORDER (Oral)

2. The OA is filed challenging the continued suspension of the applicant without issue of charge sheet.

3. Brief facts of the case are that the applicant was appointed as Postal Assistant under Reserved Trained Pool (in short, RTP) on 13.01.1984. His services were regularized on 30.04.1990. While working as Sub-Postmaster, he was placed under suspension contemplating disciplinary action vide Memo dated 29.04.2019. Subsistence allowance was allowed vide Memo dated 30.04.2019. The suspension order was issued on the ground that the applicant sought a sum of Rs.10 lakhs from the Treasury Office and for having been given smaller notes, he refused to accept the money, but acknowledge the receipt of the said amount, though he has not taken delivery of the said amount. The suspension of the applicant has been continuing since nine months and no chargesheet has been issued. Aggrieved over the same, OA has been filed.

4. The contentions of the applicant are that he did not take the amount of Rs.10 lakhs, though he acknowledged the receipt of it. Respondents have not issued chargesheet though nine months have

elapsed. Suspension has not been reviewed properly. The applicant cited the decision of the Hon'ble Supreme Court in support of his contentions. The suspension allowance of the applicant was not enhanced as per Rules.



5. The learned counsel for the respondents has submitted a copy of the instructions received from the respondents on subject, wherein it was stated that past work verification of the office in question is not completed. Applicant has intentionally stopped CSI-SAP software. The applicant did not maintain the basic records properly.

6. Heard both the counsel and perused the pleadings on record.

7. (I) Applicant was suspended on 29.04.2019, in regard to shortage of cash. No chargesheet has been issued though nine months have elapsed. Respondents, in the instructions submitted, have stated that past work verification of the office, where he worked, is yet to be completed. However, it is to be noted that DoPT has given elaborate instructions that caution should be exercised in placing officials under suspension. The respondents have suspended the applicant as there was some discrepancy in the cash while he was working as Sub-Postmaster. The respondents have every right to do so but suspension has to be followed by issue of a chargesheet. In case they are not able



to issue the chargesheet within three months, the suspension cannot continue. The impugned order dated 27.01.2020 continues the suspension, which is contrary to the law laid down by the Hon'ble Supreme Court in **Ajay Kumar Choudhary v. Union of India & Others,** [CIVIL APPEAL No. 1912 OF 2015, decided on 16.02.2015] wherein it was held as under:

“14 We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension.”

(II) Consequently, as the action of the respondents is against law, the respondents are directed to consider the case of the applicant in the light of the Hon'ble Supreme Court Judgement (supra) by issuing a speaking and reasoned order, while doing so, the provisions pertaining to subsistence allowance for enhancement as prayed by the applicant also need to be kept in mind.

(III) It is also to be noted by the respondents that by suspending the official, respondents are paying half pay without any contribution of the official to the organisation in terms of work that ought to be done by the applicant, if he were to be in service. The respondents would have to

examine the scope to revoke the suspension and utilize the services of the applicant in any non-sensitive post. Besides, by not issuing the charge sheet for months together, it is not only unfair, but goes against the settled principles of law, referred to above.



(IV) In view of the above, respondents are given 8 weeks time to examine and decide the continuance or otherwise of the suspension of the applicant by issuing an order as ordered at para 7(II) supra, in accordance with law and as per extant rules. No order as to costs.

(B. V. Sudhakar)
Member (A)

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