

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.185/96

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 24th day of November, 1999

Shri Ujjawal Singh
s/o Shri Ratti Ram
employed as Cash Overseer
in Ashok Vihar Head Post Office
Delhi
r/o Delhi
c/o Shri Sant Lal, Advocate
C-21(B), New ~~M~~ultan Nagar
Delhi - 110 056. ... Applicant

(By Shri Sant Lal, Advocate)

Vs..

1. The Union of India through
the Secretary
Ministry of Communications
Department of Posts
Dak Bhawan
New Delhi-110 001.
2. The Director of Postal Services (P)
O/o the Chief Postmaster General
Delhi Circle
Meghdoot Bhawan
New Delhi - 110 001.
3. The Senior Superintendent of Post Offices
Delhi North Division
Civil Lines
Delhi - 110 054. ... Respondents

(By Shri V.S.R.Krishna, Advocate)

O R D E R (Oral)

Justice Ashok Agarwal, Chairman

An order passed on 23.5.1994 in disciplinary proceedings imposing a penalty ^{of} withholding next increments for two years without cumulative effect and for recovery of Rs.1,000/- from his pay in 10 monthly equal instalments is impugned in the present application.

2. Applicant while working as a Mail Overseer of Posts and Telegraphs was issued a charge-sheet on 27.9.1993. By a communication dated 15.10.1993 applicant asked for copies of documents to be relied upon in the disciplinary proceedings. By a communication issued on 15.11.1993 and served on the applicant on 18.11.1993 applicant was offered inspection of the documents. Applicant however, as he was admitted in the AIIMS for eye operation on the very date, was not ^{able to take inspection} ~~served with copy of the communication for his inspection.~~ In the circumstances, no inspection was taken and no reply to the charges was submitted by the applicant. Applicant was discharged from the hospital on 15.1.1994. However, the impugned order was thereafter passed on 23.5.1994. The said order is an ex-parte order the same having been passed without applicant having taken inspection of the documents and without submitting his reply to the allegations contained in the charge-sheet. Applicant has thereafter on 16.8.1994 submitted a representation to the appellate authority seeking to impugne aforesaid order dated 23.5.1994. Since no decision was taken by the appellate authority on the revision application, applicant on 22.1.1996 has filed the present OA.

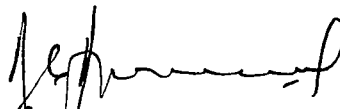
3. We have heard the learned counsel Shri Sant Lal and Shri V.S.R.Krishna, appearing for the contending parties and we find that it will be, in the interest of justice, to remand the matter back to the

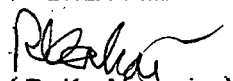


disciplinary authority for the purpose of affording the applicant the requisite inspection of documents, an opportunity to submit his reply to the charge-sheet and thereafter for passing a reasoned and speaking order in accordance with law. It is true on the showing of the applicant, ~~that~~ he had taken no steps to take inspection and submit his reply after he was discharged from the hospital on 15.1.1994 till the passing of the impugned order on 23.5.1994. Applicant being a Class-III employee, it is possible that he was not suitably advised to take the requisite and immediate steps in the matter. Taking an over all view of the matter, we find that interest of justice will be met if a proper opportunity is given to the applicant before an order is passed on the charge-sheet issued against him on 27.9.1993.

4. For the foregoing reasons, the impugned order passed on 23.5.1994 is quashed and set-aside. The disciplinary authority will now take steps to offer the applicant inspection of documents which had earlier been offered by the communication dated 15.11.1993. It will give an opportunity to the applicant to submit his reply. Disciplinary authority will thereafter proceed to pass appropriate orders in accordance with law.

5. The present application is allowed in the aforestated terms. There will, however, be no order as to costs.


(Ashok Agarwal)
Chairman


(R.K. Anooja)
Member(A)

/rao/