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Central Administrative Tribunal
Principal Bench: New Delhi

OA-605/96

New Delhi this the 20th day of November, 1996.

Hon'ble Mr. S.R. Adige, Member (A)
Hon'ble Dr. A. Vedavalli, Member (J)

Krishna Dutta Sharma,
S/o Sh. Kalika Prasad Sharma,
Extra Departmental Branch Post Master,
P.O. Manik Pura,
Distt. Agra (U.P.)

...Applicant

(By Advocate Sh. D.P. Sharma)

Versus

1. The Union of India
through the Secretary,
Department of Posts,
Ministry of Communication,
Government of India,
New Delhi.
2. The Director General (Posts),
Dak Bhawan,
Parliament Street,
New Delhi.
3. The Senior Superintendent
of Post Offices,
Agra Division,
Agra (U.P.)

...Respondents

(By Advocate Sh. M.M. Sudan)

ORDER (Oral)
(Hon'ble Mr. S.R. Adige)

Heard.

2. We note that the applicant has been put off duty by impugned order dated 19.6.95 (Annexure A-1) and chargesheet dated 25.7.96 has been issued to him on the charge of accepting Rs.20,000/- from S/Shri Ram Gopal and Sh. Munish Kumar for issuing Kisan Vikas Patra which he was not authorised to issue; for which no receipt was granted; for issuing forged pass books and not taking the amount of Rs.20,000 into Government account.

A

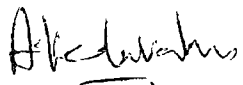
3. Applicant's counsel has contended that the order putting his client off duty has not been confirmed by the competent authority, but we note that the order putting the applicant off duty has been confirmed by the competent authority within the prescribed time period.

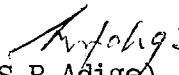
4. Applicant's counsel has also relied upon the D.G. Posts letter dated 26.7.90 in which the disciplinary authority has been enjoined to make ~~any~~^{every} effort to finalise the disciplinary proceedings and pass final order so that the put off duty does not exceed 45 days. These instructions are only directory in nature, and does not imply that judicial intervention is mandatory^l called for in case it is not possible to finalise the proceedings within that period.

5. The charges against the applicant are serious and having regard to the Hon'ble Supreme Court's judgement in Secretary to Government Prohibition & Excise Department, Tamil Nadu Vs. L.Srinivasan JT 1996 (3) SC 202 wherein the practice of courts/Tribunals interdicting departmental proceeding against employees who are facing serious charges at threshold stay and releasing them from suspension has been severely deprecated, we decline to intervene in the matter at this stage.

6. Having regard to the instructions contained in D.G. Posts letter dated 26.7.90 and noting that the chargesheet was issued to the applicant on 25.7.96, we direct the respondent to conclude the departmental proceedings as expeditiously as possible and preferably within a period of 45 days as indicated in the Director from the date of receipt of a copy of this judgement, enjoining upon the applicant to cooperate fully in the expeditious conclusion of the same.

7. The OA accordingly stands disposed of. No Costs.


(Dr. A. Vedavalli)
Member (J)


(S.R. Adige)
Member (A)

cc.