

Central Administrative Tribunal, Principal Bench

Original Application No.9 of 2000

New Delhi, this the 18th day of August, 2000

Hon'ble Mr. S. R. Adige, Vice Chairman(A)
Hon'ble Mr. Kuldip Singh, Member (J)

Shri Amrit Lal Tyagi S/o Shri Ram Gopal Tyagi
R/o Village Ghasoli District Sonapat
Address for service of notices
C/o Shri Sant Lal, Advocate
C-21(B) New Multan Nagar,
Delhi-56.

- Applicant

(By Advocate - Shri Sant Lal)

Versus

1. The Union of India, through the
Secretary,
Ministry of Communications,
Department of Posts,
Dak Bhawan,
New Delhi-110 001.

2. The Chief Post Master,
Delhi GPO, Kashmeri Gate,
Delhi-110 006.

- Respondents

(By Advocate - None)

O R D E R (ORAL)

By Hon'ble Mr. S. R. Adige, Vice Chairman(A)

Applicant impugns the disciplinary inquiry proceedings initiated against him vide respondents' order dated 4.10.96, which relates to an incident which is alleged to have occurred in March, 1988 and complains that despite his having retired on superannuation on 31.8.97, he has not yet been released his retiral benefits.

2. We have heard applicant's counsel Shri Sant Lal. None appeared for respondents even on the second call. We are, therefore, proceeding to dispose of this OA after hearing Shri Sant Lal and perusing the materials on record.

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3. Applicant has been proceeded against departmentally vide chargesheet dated 4.10.96 on three Articles of Charge. Firstly it is alleged against him that, while functioning as SPM Bawana P.O. during the period ^{from} March, 1988, he failed to check that no register of SB Warrants sanctioned for the payment at Branch Office (SB-45) was being maintained. Secondly it is alleged that during the aforesaid period, he failed to examine the B.O. Daily Accounts of Qutab Garh EDBO and thirdly, it is alleged that during this period he failed to check that no register of SB Warrants sanctioned for payment at Branch Offices, was maintained at Bawana P.O.

4. Applicant was placed under suspension vide order dated 15.6.89 (Annexure A-1) but subsequently, his suspension was revoked and he was reinstated in service vide order dated 1.6.1990 (Annexure A-2). It is also on record that applicant was promoted vide order dated 30.1.1992 (Annexure A-3).

5. At the outset, we notice with considerable concern that the charge-sheet was issued to applicant nearly 8 years after the alleged incident in question in said to have occurred and after the lapse of another 4 years, the Inquiry Officer has submitted his report on 3.8.98 (Annexure A-7). In regard to the first charge, the Inquiry officer has held it as proved but with certain extenuating circumstances.

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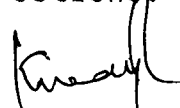
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The second and third Articles of Charge have not been proved.

6. A copy of the Inquiry Officer's report was furnished to applicant to submit his representation in regard to the same in September, 1998 (Annexure A-8) but it is a matter of still further concern to us that the disciplinary authority has not yet passed a final order in the departmental proceedings.

7. We dispose of this OA with a direction to respondents to ensure that ^{the} disciplinary authority passes a final order in the departmental proceedings within one month from the date of receipt of a copy of this order. While doing so, he will not lose sight of the fact that the charge itself relates to an incident that is alleged to have occurred over 12 years back and the applicant has had to carry weight of this departmental proceedings on his shoulders over the last six years. Respondents shall also not lose sight of the fact that applicant has retired on superannuation on 31.8.97 and has been deprived of his ^{except provisional pension} retiral benefits, including amount of commutation of pension and DCRG. While passing an order in the departmental proceedings, the disciplinary authority should keep the aforesaid ^{position -} ~~observations~~ in his mind.

8. The O.A. stands disposed of with the above directions. No costs.


(Kuldip Singh)
Member(J)


(S.R. Adige)
Vice Chairman(A)

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