

(Open Court)

Central Administrative Tribunal, Allahabad Bench, Allahabad

O.A. No. 330/00617/2020

Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)
Hon'ble Mr. Tarun Shridhar, Member (A)

This the 5thth day of November, 2020.

Surendra Pal Gupta, aged about 64 years son of late Sri Anokhey Lal retired Assistant Post Master, Budaun, HO Under Superintendent of Post Offices, Budaun r/o Daharpur Kalan, Budaun-243435.

Applicant

By Advocate: Sri Santosh Kumar Kushwaha

Versus

1. Union of India through the Secretary, Ministry of Communication and I.T., Dak Bhawan, Sansad Marg, New Delhi.
2. Director General of Posts, Ministry of Communication and I.T. Dak Bhawan, Sansad Marg, New Delhi representing Hon'ble President of India.
3. Chief Post Master General, U.P. Circle, Lucknow.
4. Post Master General, Bareilly Region, Bareilly.
5. Superintendent of Post Offices, Budaun Division, Budaun.
6. Under Secretary, Union Public Service Commission, Dholpur House, New Delhi.

Respondents

By Advocate: Sri Chakrapani Vatshyayan for Respondents No. 1 to 5 and Sri Rajnish Kumar Rai for respondent No. 6.

ORDER

By Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)

Heard learned counsel for applicant, learned counsel for respondents and perused the record.

2. Learned counsel for applicant submitted that applicant was served with a memo of charge on the verge of his retirement and despite specific direction issued by this Tribunal on 11.12.2017 in O.A. No. 714/2017 to conclude the inquiry proceedings within a period of six months from the date of receipt of certified copy of order, the inquiry could be concluded on 5.2.2019.

3. The Inquiry Officer did not find the charges proved against the applicant. However, respondent No. 5, Superintendent of Post Offices, Budaun Division, Budaun did not agree with the findings of the inquiry officer and sent a dissenting note dated 29.3.2019.

4. The applicant made a representation dated 11.9.2019 and 26.12.2019 challenging the jurisdiction of respondents No. 5 who is not disciplinary authority. However, no order was passed on his representation despite the expiry of a period of more than one year. As a result, the inquiry could not be finalized.

5. The grievance of the applicant is that applicant has retired on 31st July, 2017 but due to pendency of inquiry, his pensionary benefits have been withheld.

6. Learned counsel for applicant has prayed that applicant will be happy and satisfied, if a direction is issued to respondent No. 2 i.e. Director General of Posts, Ministry of Communication and I.T. Dak Bhawan, Sansad Marg, New Delhi to take a decision on the inquiry report within a time bound manner by passing a reasoned and speaking order, as expeditiously as possible.

7. Learned counsel for respondents has no objection against this limited prayer.

8. Considering the limited prayer made by the learned counsel for applicant, no fruitful purpose will be served in keeping this O.A. pending and it is disposed of finally at the admission stage with a direction to the competent authority amongst the respondents, who is disciplinary authority to communicate the decision, if any taken on the inquiry report, to the applicant and in case no decision has been taken, the respondents/competent authority is directed to take a decision on the inquiry report within four weeks from the date of receipt of certified copy of this order.

9. With the above direction, the O.A. is disposed off. It is made clear that we have not expressed any opinion on the merit of the case.

10. No order as to costs.

(Tarun Shridhar)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

HLS/-