

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

OA No. 130 of 2020

Present: Hon'ble Mr. Swarup Kumar Mishra, Member (J)

Hon'ble Mr. C. V. Sankar, Member (A)

1. Sri Ghanashyam Kisku, aged about 36 years, S.o. Dukhishyam Kisku, At. Rangadiha, P.O. Suhagpur, Barsahi, Dist. Mayurbhanj, working as SPM (under suspension), Barsahi S.O., Barsahi, Dist – Mayurbhanj.

.....Applicant.

VERSUS

1. Union of India, represented through its Director General of Post, Dak Bhawan, New Delhi – 110 001.
2. Chief Post Master General, Odisha Circle, Bhubaneswar, Dist. Khurda – 752 001.
3. Director, Postal Services (HQ), O/o. Chief PMG, Odisha Circle, Bhubaneswar, Dist – Khurda – 751001.
4. Superintendent of Post Offices, Mayurbhanj Division, Baripada, Dist. Mayurbhanj – 757026.

.....Respondents.

For the applicant : Mr. S. Patra - 1, Advocate.

For the respondents: Mr. B. Swain, Advocate.

Heard & reserved on :20.01.2021

Order on :02.02.2021

O R D E R**Per Mr. Swarup Kumar Mishra, Member (J)**

The applicant by filing this OA, has prayed for the following reliefs under section 19 of the Administrative Tribunals Act, 1985:-

- (i) The order dtd. 14.02.2019 under Annexure A/2 and further extension of suspension period of the applicant under Annexure A/3 and A/4 be quashed after declaring those are illegal.*
- (ii) The respondents be directed to reinstate the applicant w.e.f. 17.01.2019 with all consequential benefits with cost.*
- (iii) Pass any other order/orders as would be deemed just and proper.*

2. The applicant in the OA inter alia submitted that while working as Postal Assistant at Bahanga Sub-office under Mayurbhanj Division the applicant was put under suspension vide order dated 19.11.2018 (Annexure A/1) with immediate effect contemplating the disciplinary proceeding against him. The applicant submitted that as per law the suspension order ought to have been reviewed by competent authority to modify or revoke the suspension before expiry of 90 days from the effective date of suspension but Respondent No. 4 vide letter dated 14.02.2019 (Annexure A/2) intimated the recommendation for

continuance of suspension by the review committee held on 13.02.2019 for a period of 180 days w.e.f. 18.02.2019 without passing the order either to revoke or extend the suspension. Thereafter vide memo dated 07/08.08.2019 (Annexure A/3) and 01.01.2020 (Annexure A/4) Respondent No. 4 intimated the applicant about the recommendation of continuance of suspension by the review committee held on 02.08.2019 and 31.12.2019 without passing definite order as required under Rule 10 of the 1965 rules.

3. The respondents in their counter inter alia averred that on preliminary investigation it was found that the applicant was involved in misappropriation of Government money by being involved in fraudulent booking of VPLs in Meghdoot Millenium Point of Sale Software and hence was placed under suspension vide order dated 19.11.2018. Thereafter disciplinary proceeding under Rule – 14 of CCS (CCA) Rules 1965 has been initiated against the applicant vide memo dated 01.08.2019. The respondents further submitted that after the applicant was suspended on 19.11.2018 1st review was held on 13.02.2019 before expiry of 90 days i.e. 17.02.2019 , 2nd review held on 02.08.2019 and 3rd review on 31.12.2019 was held for continuation of suspension period and the recommendation of the review committee was

intimated to the applicant vide memo dated 14.02.2019, 07/08.08.2019 and 01.01.2020.

4. We have heard the learned counsel for both the sides, gone through their pleadings and materials available on record. In the present case the document filed by the applicant including Annexure A/2, Annexure A/3 and Annexure A/4 clearly and categorically shows that period of suspension has been reviewed in time. The said materials also shows clearly and categorically that the Superintendent of Post Officers, Mayurbhanj Division, Baripada has separately communicated the order in this regard on three occasion i.e. on 14.02.2019, 07/08.08.2016 and 01.01.2020 by issuing the same vide Annexure A/1, A/2 & A/3 respectively. There is no specific form prescribed to pass such order but the documents vide above Annexures amounts to compliance of the provision of Rule 10 of CCS (CCA) Rules, 1965. The tribunal is satisfied that rule has been duly complied by the respondents by reviewing the suspension from time to time within the stipulated period and that concerned Superintendent of Post Offices has also communicated order in this regard to the applicant. The applicant cannot insist on any particular form in which such order is to be passed on the basis of the decision taken by the review committee for extension of review period.

The form and manner in which the order has been passed by Superintendent of Post Offices amounts to compliance of the said rule. In view of the position of law and material record available as discussed earlier it is seen that the applicant has not shown as how he is prejudiced, when there has been compliance of statutory position by the respondents.

5. Accordingly the OA being devoid of merit is dismissed but in the circumstances without any order to cost.

(C. V. SANKAR)
MEMBER (A)

(SWARUP KUMAR MISHRA)
MEMBER (J)

(csk)