

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00561/2020

Friday this the 18th day of December, 2020

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member
Hon'ble Mr.K.V.Eapen, Administrative Member

K.Joseph Kutty, aged 56, S/o.J.Kunjappy
 Sub Postmaster, Pathanapuram-689 695
 Residing at Kalpakasseril House
 Mathra P.O, Tholicode
 Punalur – 691 333
 Mob No.9447589355

..... **Applicant**

(By Advocate : Mr.Vishnu S Chempazhanthiyil)

V e r s u s

1. The Superintendent of Post Offices
 Pathanamthitta Postal Division
 Pathanamthitta – 689 645
2. The Director of Postal Services
 Office of the CPMG, Kerala Circle
 Thiruvananthapuram – 695 033
3. The Chief Postmaster General
 Kerala Circle
 Thiruvananthapuram – 695 033
4. Union of India, represented by
 Director General & Secretary
 Department of Posts, Dak Bhavan,
 New Delhi – 110 001

..... **Respondents**

(By Advocate : Mr.N.Anilkumar,SCGSC)

This application having been heard on 18.12.2020 through video conferencing, the Tribunal on the same day delivered the following:

ORDER (ORAL)

Hon'ble Mr. P.Madhavan, Judicial Member –

The applicant who is presently working as Sub Postmaster in Pathanapuram Post Office was issued with a charge sheet under Rule 16 alleging supervisory lapses in respect of incidents that took place 15 years back. The applicant denied the charge and requested for an oral enquiry. However, substantial changes were effected in respect of the allegations and statement of imputation as different from the original charge sheet while ordering an enquiry under Rule 16(1)(b). It is submitted that under the garb of exercising power under Rule 16(1)(b) of CCS (CCA) Rules, fresh allegations or new imputations cannot be raised, as different from the original charge sheet. Aggrieved by the changes brought in by Annexure A6, the applicant has approached this Tribunal praying for the following reliefs:

"(1) Call for the recording leading to the issue of Annexure A6 and set aside Annexure A6.

(2) Declare that while ordering an oral enquiry under Rule 16(1)(b) in respect of the charge sheet issued as at Annexure A1, there can be no deviation from the allegations as raised in Annexure A1 and direct the respondents to conduct an enquiry under rule 16(1)(b) only in respect of allegation contained in Annexure A1.

(3) Direct the respondents to complete the enquiry proceedings in respect of Annexure A1, strictly in terms of the allegations in Annexure A1 and to finalise the same at the earliest at any rate within 3 months in view of the fact that the allegation itself is in respect of incidents that took place 15 years ago and on account of the pendency of the enquiry, the applicant who has had a blemishless service is deprived of due promotion under LSG."

2. When the matter came up for consideration today, learned counsel for the applicant submits that the applicant wanted that the disciplinary proceedings may be completed as early as possible and an order is passed without delay. Counsel for the applicant submits that the Original Application may be disposed of with such direction.

3. In view of the above submission, without going into the merits of this matter, respondents are directed to complete the enquiry within a period of 6 months from the date of receipt of a copy of this order and complete the disciplinary proceedings without delay.

4. The Original Application is disposed of as above. No costs.

(K.V.EAPEN)
ADMINISTRATIVE MEMBER

(P.MADHAVAN)
JUDICIAL MEMBER

List of Annexures

Annexure A1 : True copy of Memorandum No.F4/2/2008-2009 dated 27.4.2020 issued by the 1st respondent

Annexure A2 - True copy of the reply dated 8.6.2020 to the 1st respondent

Annexure A3 - True copy of the reminder dated 9.9.2020 to the 1st respondent

Annexure A4 - True copy of the representation dated 6.10.2020 to the 2nd respondent

Annexure A5 - True copy of the representation dated 27.7.2020 to the 2nd respondent.

Annexure A6 - True copy of the memorandum no.F4/2/2008-2009 dated 28.10.2020 issued by the 1st respondent (relevant portion)

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