

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

**OA/021/00110/2021**

HYDERABAD, this the 15<sup>th</sup> day of February, 2021

**Hon'ble Mr. Ashish Kalia, Judl. Member  
Hon'ble Mr. B.V. Sudhakar, Admn. Member**



L.N. Devi Singh S/o Mejya,  
Aged about 61 years,  
Postmster, (Retd.), Kamareddy HO,  
R/o H.No.6-47, Devi Vihar, Devanpally,  
KAMAREDDY 503 112.

...Applicant

(By Advocate : Mr. M.Venkanna)

Vs.

1. The Union of India represented by  
The Chief Postmaster General,  
Telangana Circle, Abids,  
Hyderabad – 500001.
2. The Director of Postal Services,  
Hyderabad Region, O/o The Postmaster General,  
Hyderabad Region, HYDERABAD-500 001.
3. The Senior Superintendent of Post Offices,  
Nizamabad Division, NIZAMABAD – 503 001. ....Respondents

(By Advocate : Mr. V.Venu Madhava Swamy, Addl.CGSC)

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**ORAL ORDER**  
**(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)**

**Through Video Conferencing:**



2. The OA is filed challenging the orders dated 03.04.2017 and 23.06.2017 of the 3<sup>rd</sup> and 2<sup>nd</sup> respondents respectively in not treating the period of suspension from 23.03.2009 to 02.09.2009 as duty for all purposes. He sought a direction to the respondents to release full pay and allowances for the said period.

3. Brief facts are that the applicant was appointed as Postal Assistant in respondents organisation on 21.8.1987 and retired on 31.8.2019. While the applicant was in service, he was suspended on 23.3.2009 and reinstated on 2.9.2009. Applicant voluntarily paid a sum of Rs.1,00,000 towards the loss caused to the respondents organisation by the Branch Post Master for alleged acts of omissions as a subsidiary offender. A Rule 16 charge sheet was issued to him and he was imposed penalty of withholding the next increment for a period of one year without cumulative effect. Applicant represented to regularise the suspension period from 23.3.2009 to 2.9.2009, which was rejected by the 3<sup>rd</sup> respondent. Hence, appeal was preferred to the 2<sup>nd</sup> respondent on 20.4.2017, which too was rejected on 23.6.2017 as time barred. Aggrieved over the rejection, the OA is filed.

4. The contentions of the applicant are that rejecting his claim for payment of pay and allowances for the period from 23.3.2009 to 2.9.2009 is unlawful. Under coercion, applicant might have given the undertaking that

he would not claim the pay and allowances for the said period and the same is against DOPT instructions on the subject.

5. Heard both the counsel and perused the pleadings on the subject.

6. As seen from the impugned order dt. 23.06.2017, the appeal of the applicant is rejected as time barred, without going into merits of the case. The applicant is praying for the disposal of the appeal preferred on 20.4.2017 to the respondents against the decision of the 3<sup>rd</sup> respondent rejecting the request for regularisation of the suspension period from 23.3.2009 to 2.9.2009. Applicant was penalised by imposing a penalty of stoppage of next increment for one year without cumulative effect for being identified as subsidiary offender, without touching upon the aspect as to how to treat the suspension period. Representation made to the 3<sup>rd</sup> respondent was rejected on the ground that the applicant gave an undertaking that he would not claim the pay and allowances for the period in question. Appeal preferred to the second respondent was rejected as time barred. The issue *per se* is that though the request made is termed as appeal by the applicant, but in reality, it is a representation made against the decision of the 3<sup>rd</sup> respondent. It is not a statutory appeal preferred by the applicant against the penalty of stoppage of increment by the 3<sup>rd</sup> respondent. Hence, the question of taking a stand that the appeal is time barred does not arise. In fact, it is for the disciplinary authority to indicate the way the suspension period is to be treated while imposing the penalty or while revoking the suspension as per rules. Not doing so requires to be examined by the next superior authority.

7. Hence, in view of the above, the second respondent is directed to dispose the representation/ appeal submitted by the applicant on 20.4.2017 afresh, on merits, in respect of regularising the suspension period referred to, in accordance with extant rules and as per law, within a period of 8 weeks from the date of receipt of this order, by issuing a speaking and reasoned order, keeping in view the judgment cited by the applicant in the OA.



With the above direction the OA is disposed of with no order as to costs.

**(B.V.SUDHAKAR)**  
**ADMINISTRATIVE MEMBER**

**(ASHISH KALIA)**  
**JUDICIAL MEMBER**

*evr*