

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/0009/2021

HYDERABAD, this the 6th day of January, 2021



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

Hamsa Sathibabu, Group. C
S/o.Late Padmanabham,
Aged about 56 years,
Postmaster, Head Post Office,
Vizianagaram – 535 001,
Vizianagaram District,
Andhra Pradesh.

...Applicant

(By Advocate : Sri K. Siva Reddy)

Vs.

1. Union of India rep. by
Secretary,
Ministry of Communications and I.T.,
Department of Posts, Dak Bhawan,
Sansad Marg, New Delhi – 110 001.
2. The Chief Postmaster General,
Andhra Pradesh Postal Circle,
Vijayawada - 520 013.
3. Superintendent of Post Offices,
Vizianagaram Postal Division,
Vizianagaram – 535 001.

....Respondents

(By Advocate: Smt. K. Bharathi, Addl. CGSC)

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

Through Video Conferencing:

2. The OA is filed in regard to delay in disposal of the disciplinary proceedings initiated against the applicant.



3. Brief facts are that the applicant, while working as Post Master, Srikakulam HO, was identified as a subsidiary offender in a fraud committed at Sathivada Branch Post Office a/w. Gara SO, while disbursing NREGS payments and was issued a Charge Memo on 16.9.2019. Till date, the disciplinary proceedings have not been finalized and as a result, his promotion to NFG Grade of Postmaster is held up. Aggrieved over the delay, the OA is filed.

4. The contentions of the applicant are that the respondents are not supplying the documents required during the inquiry, claiming that they are with the CBI. He has not committed the fraud. There is no CBI case against him. Fraud occurred in 2014 and after 5 years, he was proceeded on disciplinary grounds. CCS (CCA) Rules 1965 have been violated. Hon'ble Supreme Court has observed that the inquiry has to be completed in 6 months and if not, the maximum time allowed is one year.

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

6. Applicant was proceeded on disciplinary grounds after he was identified as subsidiary offender and was issued the charge memo on

16.9.2019. More than a year has lapsed and yet, the disciplinary case has not been finalised. It is the responsibility of the respondents to finalize the disciplinary cases as expeditiously as possible. In fact, the Ld. Applicant Counsel submitted that the respondents organization has well laid out guidelines wherein the disciplinary cases are to be settled in a given interval of time and that they are reviewed periodically at senior levels to curtail delay. Despite such instructions, the disciplinary case of the applicant is being delayed unduly. As a result, the applicant is not being promoted as NFG Post Master. Hon'ble Supreme Court did observe that disciplinary inquiry has to be completed in 6 months and definitely not beyond a year. The request of the applicant is fair and hence, respondents are directed to complete the disciplinary proceedings within 4 months from the date of receipt of this order, as per extent rules and law. Further, respondents, keeping in view the consequences of not adhering to the time lines fixed by the Tribunal, shall take necessary steps to complete the disciplinary proceedings as directed.

7. With the above direction, the OA is disposed of, at the admission stage, with no order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/evr/