

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/299/2020

HYDERABAD, this the 1st day of July, 2020

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



BhumalaApparao, Gr. 'C',
Aged 57 years,
So. Late Pottidora,
Sub- Postmaster,
Samalkot RS SO-533 440,
East Godavari District,
Andhra Pradesh.

... Applicant

(By advocate: Mr. K. Siva Reddy)

Vs

1. Union of India rep. by
Secretary,
Ministry of Communications & IT,
Department of Posts, Dak Bhawan,
Sansad Marg, New Delhi – 110 001.
2. The Chief Postmaster General,
Andhra Pradesh Postal Circle,
Vijayawada – 520 013.
3. The Superintendent of Post Offices,
Kakinada Postal Division,
Kakinada – 533 001.

... Respondents

(By advocate: Mr. G. Rajesham, Addl. CGSC)

ORDER (ORAL)

Hon'ble Mr.B.V. Sudhakar, Admn. Member

2. The OA is filed challenging the legal validity of the impugned charge memo dt.05.07.2019 on the ground of non-supply of copies of the documents listed in the charge memo.



3. Brief facts of the case are that the applicant while working as Postal Assistant in Samalkot Head Post Office was drafted for discharging duties of Assistant Postmaster in the supervisory cadre on officiating basis. While doing so, the applicant was alleged to have not followed the Rules prescribed in allowing NREGS payments. Consequently, the applicant was charge sheeted on the ground of contributory negligence and recovery to the extent of nearly Rs.5,00,000/- has been ordered at the fag end of his career. Aggrieved by the same, the applicant approached this Tribunal through OA 6/2020, in which, this Tribunal passed an order on 10.01.2020 as under:

“..to supply the documents listed in the charge sheet within a period of 2 weeks from the date of receipt of orders or to drop the case in case of any difficulty in doing so.”

Pursuant to the above order, the 3rd respondent issued a corrigendum dt. 03.02.2020 dropping only one document at Sl. No. 99 of the list of documents and the other documents on which the charges were framed were not supplied to him. Aggrieved over the same, the applicant has once again approached this Tribunal through this OA.

4. The contentions of the applicant are that without supplying the documents cited in the charge sheet, the respondents cannot proceed with the inquiry as it

goes against the spirit of the Principles of Natural Justice. The applicant has listed a number of documents in para 4.viii of the OA, which have not been received by him. He also referred to various judgments of the Hon'ble Supreme Court in the OA on the issue of supply of documents to the delinquent official in departmental inquiry.



5. Mr. G. Rajesham, Learned standing counsel appearing for the respondents submitted that the OA may be disposed of directing the respondents to verify the facts stated by the applicant, for which learned counsel for the applicant had no objection.

6. The issue of supplying documents appended to the charge sheet came up before this Tribunal in OA 6/2020 wherein the respondents were directed to furnish the relevant documents and proceed with the inquiry. *Defacto*, it was also suggested that in case the respondents had some difficulty in providing the requisite documents, they can examine dropping the charge sheet and issue a fresh one, if required, with documents that are available and can be furnished. Ld Counsel for the applicant has submitted that the respondents have, once again, not supplied all the documents and are proceeding with the inquiry, which is totally unjust.

7. After considering the submissions of both the counsel, respondents are directed to proceed with the inquiry after furnishing all the documents listed in the charge sheet. It requires no reiteration that it is well settled in law that without furnishing the listed documents, which form part of the charge sheet, conducting disciplinary inquiry has to be construed as arbitrary and illegal on grounds of violation of Principles of Natural Justice. Therefore, the respondents are directed

to proceed further in the inquiry only after furnishing the listed documents, as per law and the rules on the subject.

The OA is accordingly disposed of, at the admission stage itself. There shall be no order as to costs.



(B.V. SUDHAKAR)
ADMN. MEMBER

/evr/

(ASHISH KALIA)
JUDL. MEMBER