

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

**OA/21/422/2020**

HYDERABAD, this the 7<sup>th</sup> day of October, 2020

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



Kurumurthy, Group - C  
S/o. Gajjalappa,  
Aged about 57 years,  
Sub Postmaster, (Under Suspension)  
Industrial Estate TSO, Mahabubnagar,  
H.No.8-79/9, Employees Colony,  
Marlu, Mahabubnagar ó 509 001.

... Applicant

(By Advocate: Sri. M. Venkanna)

Vs

1. Union of India rep. by Secretary,  
Department of Posts - India ,  
Ministry of Communications & IT,  
Dak Sadan, Sansad Marg,  
New Delhi -110 001.
2. The Chief Postmaster General  
Telangana Circle,  
Dak Sadan, Hyderabad -500 001.
3. Director of Postal Services,  
O/o. The Postmaster General,  
Hyderabad Region, Hyderabad ó 500 001.
4. The Superintendent of Post Offices,  
Mahabubnagar Division,  
Mahabubnagar ó 509 001.

... Respondents

(By Advocate: Smt. Megha Rani Agarwal, Addl. CGSC)

**O R D E R (ORAL)****Hon'ble Mr. B.V. Sudhakar, Admn. Member**

Through Video Conferencing :



The O.A is filed challenging the continued suspension of the applicant.

2. The brief facts of the case are that the applicant was appointed as Postal Assistant on 30.4.1990. He was placed under suspension on 29.4.2019. Despite several representations made for revocation of the suspension, he was continued by the respondents under suspension. Aggrieved over the extension of suspension, the applicant filed OA No.177/2020 for revocation of suspension. The O.A. was disposed of on 10.2.2020, directing the respondents to review the suspension. Meanwhile, the applicant was issued Rule 14 charge sheet on 26.2.2020. Even after issuance of the charge sheet, the suspension was not revoked and also the subsistence allowance was not enhanced. Applicant was directed to credit a sum of Rs.2,54,037/- and he credited the said amount on 15.6.2020 under protest. The respondents sent a letter to the applicant on 15.6.2020 stating that they will consider revocation of the suspension and enhancement of subsistence allowance in the next review to be held on 23.7.2020. Instead of revoking the suspension, respondents have extended the suspension vide impugned order dated 23.7.2020. Applicant represented against the same on 28.7.2020 but of no avail and hence the O.A.

3. The contentions of the applicant are that the respondents are continuing to keep the applicant under suspension without there being any reason for doing so. The applicant has taken support of the judgement of the Hon<sup>ble</sup> Supreme Court in **Ajay Kumar Choudhary vs UOI**. The DOPT OM dated 23.8.2016 categorically states that suspension should not be extended beyond three months if within this period, the charge sheet is not issued.



4. The respondents in their reply statement stated that the applicant is involved in a case of cash shortage of Rs.10,80,902/- . He admitted the lapse and was kept under suspension. The applicant was fully aware of the CSI-SAP software defective functioning. Yet, without reporting the defect in the software to the superior officers, he started maintaining the accounts manually. Respondents affirm that it was done intentionally. Noticing this cash shortage, he was kept under suspension. On 29.4.2019, orders issued for payment of subsistence allowance as per rule. The competent committee which reviewed the suspension of the applicant has recommended for suspension of the applicant. Respondents stated that they abided by the orders of the Tribunal in O.A. No.117/2020. The past work verification of the concerned office is still under progress. Charge sheet was issued to the applicant on 26.2.2020 and the disciplinary inquiry is in progress. Applicant has credited an amount of Rs.1,80,903/- & Rs.2,35,000/- against the total loss to the Government as Rs. 15,72,723 /-. The applicant stated that he would credit the balance based on the outcome of the inquiry. Respondents have cited the judgment dated 13.9.2017 of the Hon<sup>ble</sup> High Court of Delhi in **W.P(C) 8134/2017 & C.M. No.33423/2017 between Govt. of NCT of Delhi Vs Dr. Rishi Anand** to support their stand that even in case charge sheet is not issued

in three months, the need to revoke the suspension is not required. Applicant has not properly maintained the records in the Industrial Estate Sub Post Office and, therefore, it is taking time to build the records and verify the total fraud committed by him. Applicant has put in 30 years of service and should have been more responsible in discharging his duties.



5. Heard Sri M. Venkanna, learned counsel for the applicant and Smt. Megha Rani Agarwal, learned counsel for the respondents, and perused the pleadings on record.

6. It is not under dispute that the applicant while working as Sub Postmaster of Industrial Estate Sub Post Office, was involved in a cash shortage of Rs. 15,72,723/-. He has admitted the shortage and credited a substantial part of the loss to the Government Account under protest. For the balance amount applicant has taken a stand that it would be credited based on the outcome of the disciplinary action initiated. Respondents have issued the charge sheet on 26.2.2020 and the inquiry is in progress. Applicant has prayed that since the charge sheet has been issued and substantial amount of the alleged loss has been credited to the Government Account, his suspension may be revoked. Respondents claim that the Review Committee reviewed the suspension and recommended continuation. Further, respondents have stated that the order of the Tribunal in OA No.177/2020 to examine the need to continue the applicant under suspension was complied with by reviewing the case and decided to continue the suspension.

7. After considering the facts of the case, we are of the view that the action of the respondents in continuing the suspension of the applicant has certain disadvantages both in respect of the applicant and the organization.



Respondents have to pay the subsistence allowance to the applicant without making him to do any work. Applicant has already credited a large part of the loss incurred by the respondents with the hope of proving his innocence in the disciplinary inquiry. Charge sheet has been issued and the scope to tamper with the records is almost insignificant. Inquiry is under progress as admitted by the respondents. Further, respondents state that verification of records is taking place and, since they were not properly maintained, it is taking time and therefore, the need to continue suspension. In case any other deficiencies are noticed further, respondents are not barred from issuing another charge sheet. It is for the respondents to take steps to complete the past work verification early and not drag it on for years together. The objective of suspension is to ensure that the employee does not tamper with the records and influence the witnesses by having access to the office where the event occurred. Such an objective can always be achieved by issuing the charge sheet and posting the applicant at an appropriate location and post, which gives little scope for the applicant to tamper/ influence the disciplinary process. Respondents have taken the first step of issue of charge sheet and the second one of revoking the suspension is to be taken so that the employee is made to work to earn his pay and simultaneously cooperate with the respondents in taking the disciplinary action to its logical end. In this regard, we would like to take support of the judgement of the Honøble Supreme Court in *State of Tamil Nadu Rep. by Secretary to Govt (Home) vs Promod Kumar, IPS & Anr., on 21 August, 2018, Civil Appeal Nso.8427-8428 of 2018*, (Arising out of S.L.P. (Civil) No.12112-12113 of 2017), wherein it has been observed as under:

*“23. This Court in [Ajay Kumar Choudhary v. Union of India](#), (2015) 7 SCC 291 has frowned upon the practice of protracted suspension and held that suspension must necessarily be for a short duration. On the basis of the material on record, we are convinced that no useful purpose would be served by continuing the first Respondent under suspension any longer and that his reinstatement would not be a threat to a fair trial. We reiterate the observation of the High Court that the Appellant State has the liberty to appoint the first Respondent in a non sensitive post.”*



Thus, based on the judgement of the Honøble Supreme Court, it is not worthwhile to continue the applicant under suspension. Therefore, the respondents need to expedite the inquiry and complete the disciplinary proceedings early. That would be the best course of action to be adopted in the issue under dispute rather than keeping the applicant under continued suspension and wasting precious human and financial resources in the process. Respondents, we are sure, are conscious of the fact that they are spending public money, which is spent by paying a resource with no contribution in return. Respondent's organization is labour intensive and there are many posts of nature and character in which, the applicant can be posted so that he has no scope whatsoever to influence the witnesses or tamper with the documents. Thus, keeping in view the above and the judgement of the Honøble Supreme Court cited, respondents are directed to consider revoking the suspension of the applicant within eight weeks from the date of receipt of this order.

With the above direction, O.A. is allowed with no order as to costs.

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

**(ASHISH KALIA)**  
**MEMBER(JUDL.)**

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