

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA

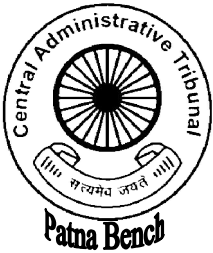
O.A./050/00336/2020

Date: 28th September, 2020.

CORAM

HON'BLE MR. M.C. VERMA, MEMBER (J)
HON'BLE MR. SUNIL KUMAR SINHA, MEMBER (A)

Jagat Prasad Son of Sri Bandhu Singh Ex. T.S. at with Group-D,
Patna GPO, Patna, Resident of Village-Mirzapur, Nohta, Post-Fatuha,
P.S.-Fatuha District-Patna (Bihar).



.....Applicant

By Advocate : Shri M.P. Dixit.

Versus

1. The Union of India through the Chief Post Master General, Bihar Circle, Patna-800001.
 2. The Director, Postal Services (HQ) Office of the Chief Post Master General, Bihar Circle, Patna-800001.
 3. The Chief Post Master, Patna GPO, Patna-800001 (Bihar).
 4. The Deputy Chief Postmaster (M & T), Patna GPO, Patna-800001 (Bihar).
- Respondents.

By Advocates: Shri H.P. Singh.

ORDER
[ORAL]

PER SUNIL KUMAR SINHA, MEMBER [A] :- The applicant has filed the instant OA against the Order of Deputy Chief Postmaster (M&T), Patna dated 27.03.2020 dispensing with his services as TS, Group-D staff without holding a departmental inquiry under the CCS(CCA) Rules and only on the basis of a show cause notice issued on October 10, 2019 alleging that the applicant was involved in fraudulent misappropriation of government money with other officials. The applicant has prayed for quashing the impugned order of

the Deputy Chief Postmaster, to reinstate him in the service and grant the arrears of service.

2. The brief facts of the case as per the OA are that the applicant who was appointed as a casual labour in Postal Department in 1984 was granted Temporary Status (T.S.) w.e.f. 1989 and his status as TS Group-D was confirmed w.e.f. 1995. While the applicant was working as TS, Group-D employee, the respondents had stopped his GPF deduction about 10 years back and the applicant had preferred an OA before the Tribunal which was allowed. A writ petition filed by respondents before Hon'ble High Court against the Tribunal's order was dismissed and thereafter benefit of GPF was restored for the applicant. In 2018, the applicant had preferred another OA (No. 275/2018) before the Tribunal for promotion to MTS cadre in accordance with the instruction of DG (Posts) which was disposed of on 02.07.2019 with direction to respondents to consider his request preferably within six months. The decision of the Tribunal has still not been complied with. Meanwhile, Respondent No.4 issued a show cause notice on 10.10.2019 for dispensing his services alleging misappropriation of money. The request of applicant to provide some documents to enable him to file reply was met partially and after receiving his reply respondent no.4 issued an order dispensing with the services of the applicant. The applicant's appeal against the impugned order before respondent no.2 dated April 17, 2020 has still not been decided.



3. The counsel for applicant submits that the applicant is a poor person and being deprived of his job and salary he is facing pecuniary problems and finding it difficult to sustain his family. Learned counsel for applicant further submits that at this stage the applicant would be satisfied if a direction be issued to respondents to decide his appeal dated 07/04/2020, which he has preferred to Appellate Authority assailing the order of dispensing of his service passed by the Disciplinary Authority.



4. Learned counsel for respondents opposed the OA and expressed that the applicant's services were dispensed because of his involvement in fraudulent misappropriation of government money. Some incriminating vouchers, documents etc. were seized from the applicant's possession in the office. To a query why no FIR was registered for misappropriation of such a large amount of money by the applicant, the counsel for respondents states that he needs time to ascertain the status on FIR and also that other officials in the department were involved in the case against whom inquiry was in progress. Learned counsel for respondents has no objection to the request of counsel for applicant for direction to the respondents to decide his appeal and indicates that three months time may be fixed for deciding the representation.

5. Considering the submissions of both sides we feel that ends of justice would met if instant OA is disposed of at this notice hearing stage itself with suitable directions to the respondents. Accordingly,

the OA is disposed of with direction to the respondents to decide the appeal of the applicant within ten weeks from date of this order. No order to costs. Copy of this order be sent to counsels representing the parties through e-mail.

[Sunil Kr. Sinha]
Member [A]
BP/-

[M.C. Verma]
Member [J]

