

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No.1470 of 1993

New Delhi, dated this the 6th May 1997

HON'BLE MR. S.R. ADIGE, MEMBER (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Nath Sharma,
S/o Shri G.P. Sharma,
C/o Shri S.R. Kohli,
Gali No.3, Multani Tanda,
Paharganj,
New Delhi.

... APPLICANT

By Advocate: Shri V.P.Sharma

VERSUS

1. U.O.I. through
the Director General,
Postal Services,
Dak Tar Bhawan,
New Delhi.
2. The Director, Postal Services,
O/o the P.M.G.,
Agra Region,
U.P. Circle, Agra.
3. The Sr. Supdt. of Post Offices,
Mathur Div., Mathura,
U.P.

... RESPONDENTS

By Advocate: Shri V.S.R.Krishna

J U D G M E N T

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

Applicant impugns the Charge Sheet dated 5.1.93 (Ann. A/2) and seeks a direction to declare illegal the recovery of Rs.8643/- from his leave salary along with interest thereon.

2. Applicant was initially proceeded against departmentally vide charge sheet dated 3.11.92 (Ann. A/1) on the charge of unauthorised drawal of Rs.22,374.90 while working as Sub-Post Master, Vrindavan (Mathura) during 15.7.90 to 28.2.91; for submitting vouchers only for Rs.13,731.10 and

not for the remaining Rs.8643.80; and for not maintaining any account of the work said to have been done out of the money spent, and not handing over relevant office files. Later that chargesheet was superceded by impugned charge sheet dated 5.1.93 with the same imputations of misconduct.

3. Applicant's counsel has contended that apart from the earlier charge sheet being superceded without adequate reason, and the departmental enquiry not having been concluded despite delay, the proceedings are infirm because it should have been ordered under Rule 9 CCS (CCA) Rules and not under Rule 14 CCS (CCA) Rules. He contends that although applicant has retired there is no mention that the charge sheet was issued by order of the President as required under Rule 9. He also contends that it is a case of no evidence, as respondents themselves have accepted vouchers for expenditure amounting to Rs.13,731.10 out of the sum of Rs.22,374.90 and applicant had also submitted vouchers for the balance amount of Rs.8643.80, and the charges against applicant are vogue.

4. That contention have been denied by Shri Krishna, who has argued that the delay in conclusion of the D.E. is on account of non-cooperation of applicant.

5. In Secretary to Govt., Prohibition & Excise Dept., Govt. of Tamil Nadu Vs. L.Srinivasan JT 1996 (3) SC 202 the Hon'ble Supreme Court has strenuously deprecated the

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practice of Courts/Tribunals inter-dicting departmental enquiries at threshold stage especially where the charges are serious. In the **present case** ~~we note~~ that the D.E. is in an initial stage and it is open to applicant to take the aforesaid grounds and indeed ~~any~~ others, before the Disciplinary Authority. Under the circumstances we hold that no interference in this matter is called for at this stage.

6. Instead we dispose of this O.A. by directing respondents to conclude the D.E. as expeditiously as possible and preferably within four months from the date of receipt of a copy of this judgment. Applicant should cooperate fully and if he does not do so, it will be open to respondents to proceed further in the matter in accordance with the procedure prescribed by law.

7. This O.A. is disposed of in terms of para 6 above. No costs.

A. Veda Valli

(DR. A. VEDAVALLI)
Member (J)

/GK/

S.R. Adige

(S.R. ADIGE)
Member (A)