

**Central Administrative Tribunal Allahabad Bench
Allahabad.**

ALLAHABAD THIS THE 10TH DAY OF DECEMBER, 2008.

ORIGINAL APPLICATION NO 948 OF 1998.

Present:

Hon'ble Mr. Justice A.K. Yog, Member (J)

Hon'ble Mrs. Manjulika Gautam, Member (A)

Amin Beg s/o late Mirza Amir Beg, aged about 54 years, Ex-
Personal Assistant Post Office, Bareilly (U.P).

.....Applicant

By Advocates: Shri M.K. Singh/Shri P.K. Kasyap/Shri R.C.
Pathak.

Versus

1. Union of India through Secretary Ministry of Post and Telecommunication, Department New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. The Senior Superintendent of Post Offices, Bareilly Division, Bareilly, U.P.

.....Respondents

By Advocate: Shri S.C. Mishra

O R D E R

Delivered By Hon'ble Mr. Justice A.K. Yog, Member (J)

Heard Shri R.C. Pathak, Advocate appearing on behalf of the applicant and Shri S.C. Mishra, Advocate, Senior Central Government Standing Counsel assisted by Shri S.N Chatterji, Advocate, Addl. Central Government Standing Counsel appearing on behalf of the respondents. Perused the pleadings. Parties have exchanged counter, rejoinder which are taken on record and Misc. Application in this respect shall be treated to have been disposed of.

2. Applicant an employee of Postal Department was subject to Disciplinary proceedings. Learned counsel for the applicant stated that the applicant faced criminal proceedings (criminal case No. 321/91 under section 409 IPC). Annexure A-4 to compilation 1 of the O.A. is the 'order and judgment' of the Addl. Chief Judicial Magistrate, Bareilly, discharging the Applicant of the charges under section 409 IPC and acquitting him of the offence on the ground 'no prior permission was of the Government in question was not obtained by the prosecution and the applicant, given

benefit of doubt. Learned counsel for the parties informed that aforesaid acquittal order was finally by Apex Court.

3. Be that as it may, there is no finding that applicant is not even prima-facie, guilty of misconduct. There is no averment that disciplinary enquiry could not be initiated.

4. We have perused the impugned orders dated 22.12.1989 and 26.12.1990 (Compilation 1 to O.A.). Disciplinary Authority vide order dated 22.12.1989/Annexure A-II has categorically recorded a finding that said Amin Beg failed to account for certain deposits in the books of the Post Office. One cannot fail to notice that Disciplinary Authority, while passing said impugned order dated 22.12.1989 miserably failed to discuss evidence/events on record. Order of the Appellate Authority/Annexure 3 to Compilation 1 to the O.A. shows that the grievance of the applicant was regarding his inability to produce evidence in support of his defence, inasmuch as requisite document were not made available to him. Even in this O.A., which was filed in 1998, Respondents happen to file Misc. Application NO. 4615 of 2008 with prayer to permit them to bring on record certain documents on record. We are not inclined to grant said prayer and/or adjudicate 'issue/s' in question on the basis of Photostat copies of the relevant document.

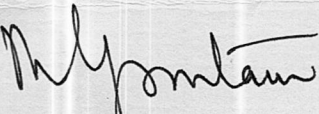
5. We are satisfied that the applicant was not provided copies of 'relevant documents and the enquiry officer has failed to disclose even a single cogent reason for denying the same to the Applicant. Appellate Authority has continuously failed to meet categorical contention of the applicant raised in his support.

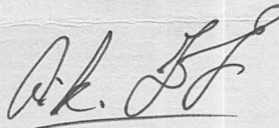
5. In view of the above, we set aside the impugned orders dated 22.12.1989 and 26.12.1990 with direction to the disciplinary authority to decide the matter afresh in accordance with law; particularly observation made above.



6. O.A. stands allowed subject to above directions.

7. No order as to costs.


Member (A)


Member (J)

Manish/-