

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 22nd day of Nov. 2001.

QUORUM : HON. MR. S. DAYAL, A.M.

HON. MR. RAFIQUDDIN, J.M.

O.A. NO. 981 of 2001.

1. Sri Baliram Singh s/o Late Sri Vishwanath Singh r/o
Village and Post Bhawanipur, Chunar, Mirzapur.

..... Applicant.

Counsel for applicant. Sri I.C. Pandey.

Versus

1. Union of India through the Secretary, Ministry of
Communication, New Delhi.
2. The Post Master General, Allahabad Region, Allahabad.
3. The Director, Postal Services, Allahabad.
4. The Superintendent, Post Offices, Mirzapur.
5. Sub-Divisional Inspector, Chunar, Mirzapur.

..... Respondents.

Counsel for respondents : Sri D.K. Dwivedi.

ORDER (ORAL)

BY HON. MR. S. DAYAL, A.M.

This application has been filed for setting aside the disciplinary proceedings on applicant on the basis of charge-sheet dated 21.8.00. Further directions are sought to the respondents to set aside the charge-sheet dated 21.8.00 and allow his nephew Muralidhar Singh to work as substitute on behalf of the applicant.

2. We heard Sri D.P. Singh, B.H. of Sri I.C. Pandey Counsel for applicant.

3. Counsel for applicant states that the applicant is lying paralysed and is unable to move. He claims to have represented before the Enquiry Officer but the E.O. has refused to consider his disability and is proceeding ahead with the departmental enquiry. Therefore, he is seeking the setting aside of the departmental proceedings

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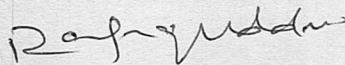
as well as the charge-sheet.

4. It appears from Annexure-VI to the O.A. that the defence assistant Sri L.P. Singh has represented to the Enquiry Officer that it was not possible for the applicant to remain present and on that the Enquiry Officer has directed that the charged official shall ensure his presence in the enquiry failing which ex-parte enquiry will be held. The applicant has preferred a representation straightaway before the Post Master General, Allahabad bypassing the disciplinary authority alleging that the Post Office, Mirzapur and SDI, Chunar are conspiring to remove the applicant. Therefore, the enquiry proceedings should be stopped and the substitute be given appointment.

5. We find that the applicant has not preferred his representation before the appropriate authorities. He has straightaway preferred his representation before the higher authorities seeking postponement of enquiry proceedings. He may file his representation before Superintendent of Post Offices, who shall consider circumstances of the case and pass on orders on the representation.

6. As regards the prayer of the applicant that his substitute should be appointed, we do not find it appropriate to issue any direction in this regard. It is upto the respondents to accept or deny appointment to the substitute offered by the applicant.

7. With the above observations, the O.A. stands disposed. No order as to costs.


J.M.

Asthana/


A.M.