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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

Original Application No. 383 of 2005

Tuesday, this the 14<sup>th</sup> day of November, 2006.

Hon'ble Mr. K. Elango, Member (J)

Hon'ble Mr. M. Jayaraman, Member (A)

Kamala Kant Mishra, aged about 33 years, S/o Shri Ram Laloo Mishra,  
R/o Village and Post-Kheoli Kalan, Koraon, District-Allahabad.

Applicants

(By Advocate: Shri Rakesh Verma)

Versus

1. Union of India through the Secretary, Ministry of Communication (Department of Posts), North Block, New Delhi.
2. The Post Master General, Office of the Post Master General, Lucknow.
3. The Senior Superintendent of Post Offices, Allahabad Division, Allahabad.

... Respondents.

(By Advocate : Shri Saumitra Singh)

ORDER

M. Jayaraman, Member (A)

Heard Shri Rakesh Verma, Counsel for the applicant and Shri Saumitra Singh, Counsel for the respondents.

2. In this case, when the applicant was working as Extra Departmental Branch Post Master, Kheoli Kalan under Koraon Sub Post Office, Allahabad, certain disciplinary proceedings were started against him by letter dated 01.10.2004 and he was put ~~off~~ duty. He filed an ~~an~~ Original Application No.1495 of 2004 before this Tribunal and Order dated 08.12.2004 came to be passed at the admission stage itself without going into the merits of the case by directing respondent no.3 namely Senior Superintendent of Post Offices, Allahabad Division, Allahabad to

  
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consider the O.A. itself as a representation and to decide the same and pass a reasoned and speaking order within a period of 4 weeks from the date of receipt of a copy of this order. It was also mentioned in the aforesaid order that in case any inquiry was contemplated against the applicant, he should be served with a charge sheet within 4 weeks or a detailed order should be passed, explaining why the applicant cannot be reinstated, under intimation to the applicant. Accordingly, a charge sheet dated 19.04.2005 was issued to the applicant. The short plea of the applicant in this case is that <sup>the</sup> put off order-dated 01.10.2004 has not been withdrawn and he has not been allowed to join the duties. The applicant's plea is also to the effect that his put off order was not reviewed by the respondents, as required under the Gramin Dak Sewak (Conduct & Employment) Rules, 2001 so his prayer is that put off order should be set aside and reliefs be granted to him.

3. Counsel for the respondents opposes the above plea of the applicant by saying that the put off order was issued in the first place because serious charges were found against the applicant that small sums of money deposited by the villagers under the Post Office Monthly Income Scheme from time to time have been allegedly misappropriated by the applicant, which totals about Rs.98,450/- and these charges are of very serious nature namely misappropriation of Government money and accordingly after considering the put off order it has not been found possible to review or revoke the same. He also pointed out that though the charge sheet has been issued as early as in April 2005, the applicant has not chosen to file any reply to the same and to participate in the disciplinary proceedings.

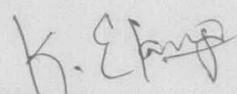
4. We have given our careful consideration to all the pleas made by rival sides. It is on record that serious charges have been leveled against the applicant for which put off order dated 01.10.2004 has been issued, which <sup>is</sup> still continuing. The applicant has prayed to the respondents for revoking the same. In the circumstances of the case, which have been brought on record, we are of the view that if the respondents have thought fit not to revoke the put off order considering the gravity of charges, until disciplinary proceedings come to a logical conclusion, we cannot fault them in that regard. It is also seen that the applicant has

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shown reluctance to participate in the disciplinary proceedings, which helps nobody. If applicant is innocent, as he believes he is, he shall ~~cease~~ <sup>seize</sup> the opportunity and participate in the inquiry of being heard and then get himself ~~quiet~~ <sup>acquitted</sup> of all the charges.

5. In the light of above discussion, we consider it appropriate to give a direction to the applicant to file reply as early as possible, if not already done, and participate in the disciplinary proceedings to redeem his honour. We also direct the respondents to consider the representation made by the applicant and complete the disciplinary proceedings expeditiously and then pass a reasoned and speaking order. The O.A. stands disposed of with the above order. No order as to costs.

  
Member-A

  
Member (J)

M.M/