

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/01446/2018

DATED THIS THE 22ND DAY OF AUGUST, 2019

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C.V. SANKAR, MEMBER (A)

Sri Revappa,
S/o Parasappa,
Aged about 37 years,
Branch Post Master,
Gorebal B.O, Rodalbanda, S.O,
Lingasugur Taluk, Raichur District,
(Now removal from engagement),
R/o Near Kanya School,
Eshwar Temple at Port,
Lingasugur Taluk, Raichur District Applicant

(By Advocates Shri A Vishwanath Bhat and Shri M. Srinivas Kumar)

Vs.

1. The Director of Postal Services,
O/o. The Postmaster General,
North Karnataka Region,
Dharwad 580 001

2. The Superintendent of Posts
Raichur Division, Raichur,
Raichur District, PIN 584 102

3. The Inspector of Posts,
Lingasugur Sub-Division,
Lingasugur, Raichur Dist. 584 122

4. The Union of India
By its Secretary
Department of Posts,
Dak Bhavan,
New Delhi 110 001 Respondents

(By Shri H.R. Sreedhara, Counsel for the Respondents)

O R D E R (ORAL)
(HON'BLE DR. K.B. SURESH, MEMBER (J)

Following our order in OA No. 238/2015 the applicant was reinstated after his suspension was revoked and we had directed to go ahead with the departmental proceedings. On 05.08.2016, since the applicant had made a confession statement accepting the allegations while claiming that it was done due to stress, the Inquiry Officer held that the charge as proved. Thereafter on 14.09.2016 applicant was removed from engagement. An appeal filed by the applicant was also dismissed. Applicant challenges it. The applicant would say that the advocate for the applicant had advised the applicant to move the Tribunal for dropping the proceedings. The applicant, however, contends that when the applicant informed the said advice to the Inquiry Officer, the Inquiry Officer directed the applicant to admit the charge so that the inquiry would be completed immediately and a penalty of warning would be issued to the applicant. Therefore, he would say that on the hope of being given a warning and settlement of the issue thereafter he had given a confession statement. That does not inspire much confidence because he is already under legal advice in the earlier proceedings and, therefore, it cannot be assumed that without consulting his advocate he would give any confession statement. Even otherwise also, it appears to us that all the requirements of a fair inquiry had been complied with. Fair opportunity has been given to the applicant and nothing appears in the record to disprove any issues that has been concluded by the inquiry.

2. The applicant says that the continuation of the inquiry against the applicant after a period of 6 months from 28.07.2015 is illegal and arbitrary.

That does not inspire any confidence as the inquiry was prolonged only because of the non-cooperation of the applicant at that relevant point of time. Applicant would say that he would not repeat the mistake in future but then in a department like Postal Department where, because of the huge volume, infractions are not easy to detect such a stand cannot be taken by any adjudicator as it will have a deleterious effect on the institution.

3. Therefore, there is no merit in the OA. The OA is dismissed. No order as to costs.

(C.V. SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/01446/2018

- Annexure A1: Copy of the order dated 28.07.2015
- Annexure A2: Copy of the charge memo dated 08.12.2015
- Annexure A3: Copy of the reply dated 17.12.2015
- Annexure A4: Copy of the order dated 03.02.2016
- Annexure A5: Copy of the 2nd show cause notice
- Annexure A6: Copy of the inquiry report dated 05.08.2016
- Annexure A7: Copy of the statement dated 21.07.2016
- Annexure A8: Copy of the order dated 14.09.2016
- Annexure A9: Copy of the appeal
- Annexure A10: Copy of the order dated 05.07.2017

Annexures referred in reply statement

- Annexure R1: Copy of the representation of the applicant dated 21.07.2016.

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