

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/243/2021

HYDERABAD, this the 26th day of April, 2021

Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member



I. Sri Rama Chandra Rao, Gr. C,
S/o. Late I Venkateshwarulu,
Aged about 58 years, PA, Kandukur H.O.,
Prakasham Division,
R/o. Kandukur,
Prakasam Dist. -523 107, AP.

...Applicant

(By Advocate : Sri B. Gurudas)

Vs.

1. Union of India rep. by
The Secretary to the Govt. of India,
MoC &IT., Dept. of Post,
New Delhi ó 110 001.
2. Chief Post Master General,
AP Circle, Vijayawada ó 520 013, AP.
3. The Director Postal Services,
O/o. Post Master General,
Vijayawada Region,
Vijayawada ó 520 003, A.P.
4. The Sr. Supdt. of Post Offices,
Prakasam Division, Ongole ó 523 001.
Prakasam District, A.P.
5. Sri. K. Srinivasa Rao,
ASP & The Inquiry Officer,
Kandukur Sub Division,
Now ASP Kovur Sub-Division,
Under Tadepallegudem Division,
West Godavari District, A.P.

... Respondents

(By Advocate: Sri B. Madhusudhan Reddy, Sr. PC CG)

ORAL ORDER
(As per Hon'ble Mr. B.V. Sudhakar, Admn. Member)

Through Video Conferencing:



2. Heard Sri B. Gurudas, learned counsel for the applicant and Smt. K. Rajitha, learned Senior Standing Counsel on behalf of Sri B. Madhusudhan Reddy, learned Senior Panel Counsel appearing for the respondents.

3. The O.A. has been filed in regard to a disciplinary case initiated against the applicant under CCS (CCA) Rules, 1965. The charge sheet was issued on 16.10.2015 and the IO & PO were appointed in November, 2015. However, the respondents have not yet completed the inquiry though five years have lapsed. The applicant claims that since the disciplinary inquiry has been delayed, the charge sheet should be set aside.

4. We have gone into the facts of the case and found that the applicant was identified as a subsidiary offender in a fraud relating to Money Orders to the extent of Rs.11.50 lakhs. The applicant states that the entire amount has been credited by the main offender Sri V. Srinivasulu. The grievance of the applicant is that for not having concluded the disciplinary inquiry, promotions & MACP benefits have not been granted to him. Further, he is retiring in June, 2022 and, therefore, he apprehends that if the disciplinary inquiry is not completed, grant of pension would be hampered.



5. After hearing both side learned counsel, we are of the view that though the applicant has asked for setting aside the charge sheet, we would not agree with him on the ground that the public money to the extent of Rs.11.50 lakhs is involved and the applicant was working in a responsible post of Sub Postmaster in the Singaraya Konda Sub Post Office when the fraud took place. There are certain rules and regulations, which the applicant was expected to follow. For not having followed the same, he was identified as subsidiary offender. Besides, there are a catena of judgements of the Honøble Supreme Court wherein it is stated that the Tribunals should not intervene at the stage of charge sheet since the possibility of dropping the charge sheet by the respondents would exist. Further, there is no cause of action for intervention at this stage. However, as observed by the Honøble Supreme Court in **Prem Nath Bali vs Registrar, High Court of Delhi in CA No.958 of 2010 vide judgment dt. 16.12.2015**, the respondents are expected to conclude disciplinary inquiry within six months or at the most in one year. Keeping this in view, we direct the respondents to complete the disciplinary inquiry initiated against the applicant within four months from the date of receipt of a copy of this order.

6. With the above direction, the O.A. is disposed of at the admission stage. There shall be no order as to costs.

(B.V. SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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