

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/00190/2015

HYDERABAD, this the 11th day of March, 2021



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

K.Prabhavathi W/o late Kumaraswamy,
Aged about 37 years, Occ. Branch Post Master,
Ladella A/W Deshaipet Division, Warangal District,
R/o Ladella Village, Deshaipet, Atmakur Mandal,
Warangal District.

...Applicant

(By Advocate : Mr.N.Ramesh)

Vs.

1. The Government of India
Rep. by its Secretary,
Ministry of Communications (Postal),
New Delhi-110001.
2. The Director of Postal Services,
Hyderabad Region,
O/o the Post Master General,
Hyderabad Region, Hyderabad-500001.
3. The Superintendent of Post Office,
Warangal Division, Warangal District.

....Respondents

(By Advocate : Mr. T. Hanumantha Reddy, Sr. PC for CG)

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

Through Video Conferencing:



2. The OA is filed challenging the notification dt.09.01.2015 issued for filling up the vacancy of GDSBPM Ladella BO in which the applicant worked.

3. Brief facts of the case are that the applicant was appointed as Grameen Dak Sewak Branch Post Master, on compassionate grounds in the respondent organization. The applicant was issued a charge memo on 10.7.2014 and in the disciplinary inquiry, the charges were held to be proved. Consequently, she was removed from service on 29.09.2014. Appeal preferred is pending and hence, the OA.

4. The contentions of the applicant are that the disciplinary authority has not considered the pleas made in regard to fresh inquiry and totally relied on the I.O report. Notification was issued to fill up the post which hitherto was held by the applicant when the appeal was pending.

5. Respondents *per contra* state that the applicant was involved in committing frauds to the tune of Rs.14.79 lakhs by violating prescribed procedures. Hence, charge memo dt. 10.7.2014 was issued and the disciplinary inquiry was instituted. Applicant admitted the charges on 21.8.2014 and requested to conclude the inquiry. Considering the representation of the applicant and the I.O report, applicant was removed from service on 29.9.2014. The applicant has not submitted any appeal previously but enclosed it with the OA. After the lapse of 90 days of the removal order, notification was issued to fill up the post as per rules. The

Inquiry Officer has explained the charges and the provision for taking the help of a defence assistant to present her case.

6. Heard both the counsel and perused the pleadings on record.

7. I. The dispute is about removal from service of the applicant on 29.9.2014. As is evident from the facts of the case, the applicant committed fraud to the tune of Rs.14.79 lakhs in the disbursement of payments to the beneficiaries under Indiramma Housing scheme through post office. Charge sheet was issued on 10.7.2014 and in the disciplinary inquiry applicant admitted the charges on 21.8.2014. Respondents took care that the Principles of Natural Justice were followed by appointing I.O/P.O, explaining the charges and the facility to avail of the services of the defence assistant, etc. It was the applicant who requested to conclude the inquiry. Based on the representation of the applicant and the I.O report, disciplinary authority imposed the penalty of removal on 29.09.2014. Imposition of penalty of removal is for lack of integrity, which is crucial to man post offices where the Postmasters deal with public money running into lakhs of rupees.

II. Applicant claims that she has made an appeal on 20.10.2014, which was flatly denied by the respondents. When the Ld. Applicant Counsel was asked as to whether she has any evidence to affirm that the appeal was submitted, she had no answer. The applicant is from the Postal Dept. and is well aware of using registered post with A/D, in sending communication of intrinsic importance for obtaining an official confirmation. It was not done. Therefore, action of the respondents in initiating the process to fill up the post by notification dated 9.1.2015 as per



rules, cannot be found fault with, since 90 days lapsed from the date of imposing of the penalty. The contours of the case make it clear that the applicant admitted the charges of committing the fraud in the disciplinary inquiry and therefore, the penalty of removal. However, due to the repeated pleadings of the Ld. Applicant counsel, to give one last opportunity to the applicant to clear herself from the stigma of charges by directing the respondents to dispose of the appeal, we do consider the same in the interest of Justice and direct the respondents to dispose of the appeal dated 20.10.2014 as per extant rules and in accordance with law, within a period of 12 weeks from the date of receipt of this order. However, in view of circumstances stated above, we vacate the interim order passed by the Tribunal on 09.02.2015.



With the above directions, the OA is disposed of, with no order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/evr/