

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/021/244/2019

Date of CAV: 19/04/2021

Date of Pronouncement: 29/04/2021



Hon'ble Mr. Ashish Kalia, Judl. Member

K. Hanumanthu, Gr.C,
S/o. Late K. Papanna,
Aged about 67 years,
Occ: Retired Public Relation Inspector (Postal),
Mahaboobnagar HO,
Mahaboobnagar 509 001, TS.

...Applicant

(By Advocate : Sri B. Gurudas)

Vs.

1. Union of India rep. by
The Secretary to the Govt. of India,
M/o. Communications & IT, Dept of Post,
Sansad Marg, New Delhi 110 001.
2. The Chief Postmaster General,
Telangana Circle, Hyderabad 500 001, TS.
3. The Post Master General,
Hyderabad Region, Hyderabad 500 001, TS.
4. The Director of Postal Accounts,
AP/Telangana Circles,
Hyderabad 500 001, TS.
5. The Superintendent of Post Offices,
Mahaboobnagar Division,
Mahaboobnagar 509 001, TS.

... Respondents

(By Advocate: Sri A. Radha Krishna, Sr. PC for CG)



ORDER
(As per Hon'ble Mr. Ashish Kalia, Judl. Member)

Through Video conferencing:

The present O.A. is filed seeking the following reliefs:

ða) to call for the records pertaining to the following impugned orders:

- 1) Memo No.PMG/(H)/AC/ PEN/ .-III/ 2016 dt. 2.11.2017 (Annex-X) and
- 2) Memo No.Accts/RTI/2017 dt.28.6.2018 (Annex.XV) and

declare the action of the respondents in rejecting the request of the applicant for delayed payment of DCRG, as illegal, arbitrary, contrary to the rules and instructions prescribed and the violation of the provisions of the Constitution contained in Articles 14 & 21 and

b) set aside and quash the said illegal orders with consequential direction to the respondents to grant interest on delayed payment of DCRG for the period from 1.2.2012 to 15.7.2017 @ 18%.ö

2. The brief facts of the case are that a charge memo was issued to the applicant on the date of his retirement i.e. 31.1.2012 and disciplinary proceedings under Rule 14 of CCS (CCA) Rules have been initiated against him and on completion of inquiry, a report was submitted on 10.02.2016. By that time, the applicant has already retired from service and hence, the proceedings were converted into proceedings under Rule 9 of CCS (Pension) Rules, 1972 by the

competent authority i.e. the President of India. The following are the articles of charge framed against the applicant:



öARTICLE-I That Sri K. Hanumanthu, PRI(P), Mahaboobnagar, HO, while working as APM (Counters at Mahaboobnagar HPO during the period from 1.11.2009 to 20.9.2011 got credited 8 (eight) crossed cheques issued by LIC of India in the name of different policy holders in his SB A/c No.128168, standing at Mahaboobnagar HO in utter/ flagrant violation of rule 31 (8) and instruction No.3(iii) of Appendix 1 of P.O. S.B. Manual Vol.1 (corrected up to April, 2010) by influencing/ misguiding the postal officials at Mahaboobnagar H.O., got credited in his account in violation of instruction 7(4) of Appendix 1 of PO SB Manual Vol.1 (corrected up to April, 2010) and withdrawn the amounts.

None of these 8 LIC holders had any SB Account in Mahaboobnagar HO. Thus, channelizing the proceeds of LIC policy of unknown persons to his SB Account., he has not only abused his official position for personal gain, but also exhibited dishonesty in connection with the business for the department as defined in GID 34 (3) below Rule 3 of CCS (Conduct) Rules, 1964.

By the aforesaid acts, Sri K. Hanumanthu, PRI (P), Mahaboobnagar HO, has violated Rule 31 (8), instruction No.3(iii) & 7 (4) of Appendix 1 of PO SB Manual Vol.1 (corrected up to April, 2010) and exhibited gross misconduct as defined in GID 23 (2) below Rule 3 of CCS (Conduct) Rules, 1964 and thereby failed to maintain absolute integrity, devotion to duty and acted in a manner of unbecoming of a Govt. servant as required of him vide Rule ö 3 (1) ,(ii) & (iii) of CCS (Conduct) Rules ö 1964 .

On denying charges the 3rd respondent appointed Inquiry Officer submitted his report dated 10.2.2016 (Annex.II) to the Disciplinary Authority holding the charges as proved, though there was no evidence substantiate the charges. The Inquiry Officer has taken over more than four (4) years to complete the inquiry when he is expected to complete the same within six months as per DOPT orders issued in pursuance of the judgments of the Honble Supreme Court. The inquiry report dated 10.2.2016 (Annex.II) was supplied to the applicant along with the letter No.PMG (H)/20-6/Disc.KH/MBNR/16 dated 15.2.2016. The applicant submitted a detailed representation dated 25.2.2016 (Annex.III) against the inquiry report disapproving the allegations with oral and documentary evidence.ö

3. The applicant has received the following amounts from the respondents:

1. DCRG	Rs.5,76,906/-	on 10.7.2017
2. Commutation	Rs.4,16,716/-	on 28.7.2017
3. Pension	Rs.10,595/-	on 18.8.2017



4. The applicant submits that he is entitled for grant of interest on delayed payment of DCRG from 01.02.2012 to 15.07.2017. His request was forwarded to the PMG, Hyderabad Region on 21.5.2017. Since there was no response, the applicant has made a representation on 2.2.2018. At last, the applicant filed the present O.A. for redressal of his grievance.

5. The respondents put appearance and filed reply wherein they have stated that the proceedings under Rule-14 of CCS (CCA) Rules, 1965 was converted into Rule 9 of CCS (Pension) Rules, 1972 as the applicant was deemed to have retired on superannuation on 31.1.2012. On completion of the inquiry, all the relevant documents were forwarded to the Postal Directorate for disposal under the Presidential powers. The Directorate has ordered vide Memo dated 26.4.2017 (Annexure 6IV) that the proven charge against the charged official is not grave enough to attract the provisions of Rule 9 of the CCS (Pension) Rules, 1972 for awarding penalty of cut in pension and gratuity. Therefore, no penalty can be awarded on the basis of the charge and the same may be dropped. But it does not mean that, the applicant was exonerated and should be treated as if there are no proceedings against him. It is further submitted that the

initiated proceedings are not fully exonerated as it was concluded in the final order that since the proven charge against the applicant was not grave enough to attract the provisions of Rule 69 of CCS (Pension) Rules, 1972 for awarding penalty of cut in pension and/ or gratuity and prayed for dismissal of the O.A.



6. The applicant has not filed any rejoinder.
7. Heard Sri B. Gurudas, learned counsel for the applicant and Sri A. Radhakrishna, learned Senior Panel Counsel for the respondents at length and perused the record.
8. Only one issue that emerges in the O.A. for consideration is whether the applicant is entitled for interest on delayed payment of DCRG or not, as narrated hereinabove. As per the final order passed by the competent authority, the President of India, the charge leveled against the applicant is not grave enough to attract provision of Rule 9 of CCS (Pension) Rules for awarding penalty of cut in pension. No penalty can be awarded on the basis of the charge. The charge memo was dropped. It is further stated as per Rule 69 (c) of CCS (Pension) Rules, no gratuity shall be paid to the government servant until the conclusion of the departmental or judicial proceedings and issue of final orders thereon. Further, as per Rule 68 (c) of CCS (Pension) Rules, 1972, interest is payable for delayed payment of DCRG beyond three months from the date of retirement. Where payment of DCRG is stopped due to pendency of disciplinary cases, this 3 months delay is reckoned from the date of conclusion/

communication of disciplinary proceedings and interest is payable vide GID (1) under Rule 68 of CCS (Pension) Rules 1972, if the official is fully exonerated. But in the present case, the applicant is not fully exonerated from the charges but the proceedings were dropped from further action. The article of charge states that he got credited 8 cheques issued by LIC of India in the name of different policy holders in his SB A/c, which is a misconduct. The applicant has not given any specific reasons in this regard as to why he should be treated as fully exonerated. He has also not placed any material before this Tribunal to show that an official, who has committed misconduct under CCS Rules, is entitled for interest on delayed payment of Gratuity. The respondents have already paid the amounts due to the applicant, after culmination of the disciplinary proceedings. Thus, this Tribunal finds no irregularity in the action of the respondents. Hence, the O.A. fails and the same is accordingly dismissed with no order as to costs.



**(ASHISH KALIA)
JUDICIAL MEMBER**

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