

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

C.C.A./Review/ No.

In

O.A.No./I.A.No. 1701/92

Date of decision 31/1/2000

S.C. Dwivedi

Applicant(s)

CA Shri A. K. Singh

Shri Y. P. Chaturvedi

Counsel for the
Applicant(s)

Versus

Union of India and Others

Respondent/Upp.

CA Shri K. M. Sadhna Srivastava

Counsel for the
Respondents/Upp.

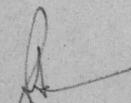
Party

COURT

Hon'ble Mr. S. Dayal, V.C./Member (A)

Hon'ble Mr. Rafiq Uddin, Member (J)

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether their Lordship wise to see the fair copy of the judgment ?
4. Whether to be circulated to all Benches ?



(Signature)

/M.M./

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD

Original Application No. 1701 of 1992

Allahabad this the 31st day of January 2000

Hon'ble Mr. S. Dayal, Member (A)
Hon'ble Mr. Rafiq Uddin, Member (J)

Suresh Chandra Dwivedi, Sub Post Master, Narainpuri, Auraiya, District Etawah.

Applicant

By Advocates Shri A.K. Singh
Shri Y:P. Chaturvedi

Versus

1. The Union of India, through the Director General, Post & Telegraph, New Delhi.
2. The Post Master General, Uttar Pradesh, Circle, Agra.
3. The Superintendent of Post Offices, Etawah Division, Etawah.

Respondents

By Advocate Km. Sadhna Srivastava

O R D E R

By Hon'ble Mr. S. Dayal, Member (A)

This O.A. has been filed by the applicant for the following reliefs:-

(i) issuance of appropriate order setting aside the order dated 12.10.92 and dropping the proceeding under Rule 14 of C.C.S.(C.C.A.) Rules, 1965.

(ii) issuance of appropriate orders directing the respondents to pay the salary of the applicant for the period of suspension.

2. The case of the applicant is that a criminal case no. 340 of 1990 was registered on 06.12.1990 against the applicant and four others. The Police submitted final report in this case on 03.9.91, which was accepted by the Munsif Magistrate on 18.4.1992. The applicant was suspended by the order dated 21.12.90 owing to the filing of the criminal case. The suspension against all persons included the applicant, was revoked on 15.2.1991. The applicant was served with an order 17.9.1991, initiating proceeding against him under Rule 4 of C.C.S.(C.G.A.) Rules, 1965. One Sri Ved Prakash was appointed as Inquiry Officer. The applicant represented to the Post Master General for change of the Inquiry Officer on the ground that he was closely associated with Shri R.K.Srivastava at whose instance the proceedings were launched against the applicant. The representations were rejected. Hence, the prayer for relief through this O.A.

3. None appeared for the applicant. There was no prayer for any adjournment on behalf of the applicant or his counsel. Km.Sadhna Srivastava for the respondents. Arguments of Km.Sadha Srivastava were heard. Pleadings in this case have been perused.

4. It has been pointed out by the learned counsel for the respondents that the second relief claimed by the applicant regarding salary for the period of suspension, has already been allowed and she has annexed the order of P.M.G., Agra region dated 14.1.1993 as annexure-1 to her counter-affidavit, which shows that suspension period from 21.12.90 to 15.2.91 was ordered to be treated as duty for all purposes. As regards the first relief of setting aside the order dated 12.10.92, we find that the order dated 12.10.1992 is a letter addressed to the applicant in response to his representations dated 02.6.1992 and 12.8.1992. None of these two representations has been annexed by the applicant. The letter simply informs the applicant that D.P.S., Agra had replied that the regularisation of suspension period would be taken up after disciplinary proceedings were concluded. He had also informed that there were no grounds to drop the Rule-14 disciplinary case against the applicant.

5. The applicant has sought setting aside of the order dated 12.10.92 and dropping of proceeding under Rule 14 of C.C.S.(C.C.A.) Rules, 1965 mainly on the ground that the criminal proceeding launched against the applicant on the same set of facts which forms the basis for initiating departmental proceedings, and proceedings for minor punishment were initiated against a co-employee of the applicant for similiar offence while the applicant was being proceeded against under Rule 14 of C.C.S.(C.C.A.)Rules, 1965 for major

punishment. The applicant mentions that the co-employee of the applicant-Shri Shankhwar ^{was} _A censured and the applicant should be given the equal treatment, should the imputation of misbehaviour and misconduct against him are proved.

6. It is clear from the above that the applicant himself feels that he deserves some punishment. In the face of these facts, we are not inclined to interfere in the departmental proceedings launched against the applicant at an inter-locutory stage. The first relief sought by the applicant in this O.A. can, therefore, not be allowed.

7. The O.A. is disposed of in terms set forth in the preceding paragraphs. There shall be no order as to costs.

Rajendra
Member (J)

Shankhwar
Member (A)

/M.M./