

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABA D

O.A.No. 520/92

P.R. Gautam

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Applicant.

Vs.

Union of India &  
Others.

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Respondents.

Hon.Mr. Justice U.C.Srivastava, V.C.

Hon.Mr. K. Obayya, A.M.

(By Hon. Mr. Justice U.C.Srivastava, V.C.)

The applicant was appointed as time scale clerk in P. & T. Department in the year 1957, now known as Postal Assistant. According to the applicant, who belongs to the S.C. community, has been unnecessarily harrassed because of the misdeed of one Shri Lal Chand Mishra<sup>who</sup> is a postal clerk in Jaunpur, who committed forgery causing loss of Rs.1,28,535/- to the Government in the year 1980. Because of his seniority the applicant was due for promotion w.e.f. 10-3-83 and D.P.C. approved his name and under the orders of P.M.G. the applicant was granted the promotion w.e.f. 10/3/83. But when this order was received, according to the applicant, his harrassment started and a charge-sheet was issued to him on 30/9/83 because of the mis-deed of the said Shri Lalchand Mishra on the allegation of the contributory negligence of the applicant also without which Shri Lalchand Mishra could not have committed the fault.

2. The applicant challenged the denial of promotion by filing an appeal before this Tribunal and the Tribunal directed the respondents to give promotion to the applicant w.e.f. 10/3/83. As there was no full compliance the applicant filed yet another application for deciding his claim. But his claim was not decided though promotion was given to him. A charge sheet was issued to the applicant and a punishment was awarded to the applicant for recovery

of an amount of Rs.576/- on the ground that because of the lapses on his part Shri Lalchand Misra committed fraud which caused monetary loss to the Government. The Director General of Postal Services issued a Biennial Cadre Review scheme dated 11-10-81 to be in force from 1-10-81. It is thereafter a fresh charge-sheet was issued to the applicant <sup>alleging that</sup> because of the lapses on his part Shri Lalchand Misra committed mis-deeds, though according to the applicant he was punished once in respect of the same.

3. According to the respondents the charge-sheet related to other items though of the same year in the same post office and same in nature in respect of which punishment has already been awarded and it appears that there is some over-laping.

4. Even if there is no overlapping, issuance of a charge sheet after 11 years is without any justification and it is not known as to what the department was doing for all these years. In this case, it appears that after the promotion was given to the applicant, restructuring and researches were made and after 11 years the charge-sheet was issued to the applicant. No proceedings can go ahead on the basis of such an old and belated charge-sheet. In this connection we make reference to the case of the Supreme Court in the case of Bani Singh Vs. State of B.P. (A.I.R. 1990 S.C. page 1308). Accordingly the charge-sheet dated 20/2/92 is quashed and the respondents are restrained from taking any action whatsoever on the basis of the said charge sheet. The application stands disposed of finally as above. No order as to the costs.

  
Member (A)

  
Vice-Chairman.

Dated: 20th January, 1993, Allahabad.

20/1/93. Hon.Mr.Justice U.C.Srivastava, V.C.  
Hon.Mr. K. Obayya, A.M.

As the pleadings are complete, the case  
is disposed of after hearing the Counsels  
for the parties. Judgement has been dictated  
in the open Court.



(tgk)

A.M.



V.C.