

CENTRAL ADMINISTRATIVE TRIBUNAL
ALIABAD BENCH

Original Application No. 723 of 1992

N.C. Chauhan

.... Applicant

Versus

Union of India and Others

.... Respondents

CORAM:

Hon'ble Justice U.C. Srivastava, V.C

Hon'ble Mr. K. Obayya, Member(A)

The order of suspension passed against the applicant dated 24.4.92 because of the initiation of the disciplinary proceedings is the subject matter. At the relevant point of time the applicant was working as a Postal Clerk. Due to certain acts of omission and commission the applicant was placed under suspension along with another postal assistant vide order dated 19.3.91. A preliminary enquiry was held and thereafter the suspension order was revoked on 31.3.92.

2. According to the applicant against the same matter again he has been suspended vide order dated 24.4.92 and once the order has been revoked, he cannot be punished for the same matter holding that the preliminary enquiry came to the conclusion that it was not a case in which the applicant could have been suspended.

2. The respondents have opposed the application of Sri Chauhan and stated that the District Harijan and Social Welfare Officer Jaunpur issued cheques for issuing M.O.s in a lot of one hundred M.O.s for Rs.136/- . All the cheques were revalidated under the dated signatures of the issuing officers and after their clearance through P.M. Jaunpur issued M.O.s against each cheques. Thus in all 123 M.O.s were issued by the SPM Shakarmandi against the above mentioned cheques although as per records in the office of the District Harijan and Social Welfare Officer Jaunpur the total number of M.Os to be issued against the above cheques was 400. Out of the above 123 MOs, 93 MOs were paid to the respective payees and 30 remained unpaid. The other MOs were paid to Sri N.C Chauhan the applicant who was then working as MO paid Asstt. at Jaunpur and his family members viz his son Paras Nath, his wife Smt. Ganga Jali. From the details given it may be seen that four hundred MOs were to be issued for Rs.136/- each against all the abovementioned four cheques. Whereas 123 MOs were issued from Shakarmandi P.O. and out of above, 19 MO for Rs.24952/- were paid to the applicant Sri N.C. Chauhan, 8 MOs were paid to his son Paras Nath and 2 MOs for Rs.272/- to his wife Smt. Gangajali Devi. The SPM Shakarmandi Sri Raj Kishore Yadav also took payment of 3 MOs for Rs.4000/- and his wife Smt. Kamla Devi was paid one MO for

W
Contd.../p3

Rs.2000/-

3. As some facts were brought to the notice of the Authority, ^{it} was decided to hold an enquiry and the disciplinary enquiry was contemplated. The applicant was therefore placed under suspension vide order dated 19.3.91 as disciplinary proceedings was contemplated against, him. The periodical review as prescribed by the department was carried out from time to time and the suspension of the applicant was ordered to be revoked under this office memo of even number dated 31.3.92. The case was again reviewed by the SPDS Jaunpur Division on 24.4.92 and considering the gravity of offence committed by the applicant he was again ordered to be placed under suspension vide order dated 24.4.92. on the ground that a disciplinary enquiry is being pending against him and the charge sheet which is the main ground in the meantime was served upon him. As the charge sheet ~~was~~ already been served upon and earlier the suspension order was revoked it may because of the incomplete information and later on complete information was gathered, a formal charge sheet was issued. The applicant was again ~~made kept~~ under suspension ~~jeopardy~~ and accordingly we do not find any ground to interfere in the suspension order in view of the fact that the suspension order was revoked earlier and the respondents are

W

Contd.../p8

directed to complete the enquiry within a period of four months of the communication of this order. The applicant shall submit his reply within three weeks and shall fully co-operate with the enquiry. Incase despite full co-operation of the applicant if the enquiry/~~not completed~~ because of the lapses and delay on the part of the respondents, the suspension order may be revoked thereafter.

4. With these observations this applicant shall stand disposed off finally. No order as to the costs.


Member (APC)

Vice Chairman

Dated: 14th January: 1993:

(Uv)