

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

Allahabad : Dated this 14th day of November, 2000
Original Application No.1267 of 1992

COAM :-

Hon'ble Mr. Rafiquddin, J.M.

Hon'ble Mr. S. Biswas, A.M.

Lakhan Lal S/o Late Sri Narain Prasad,
S/o 519/11, Naiya Bazar, Baruna Bridge,
Varanasi.

(Sri M.W. Siddique, Advocate)

.Applicant

1. Union of India through Ministry of
Communication (Department of Posts),
Dak Bhawan, Sansad Marg,
New Delhi.
2. Director General Post (Railway),
New Delhi.
3. Post Master General, Allahabad.
4. Senior Superintendent of Post Offices (Railway Mail),
'A' Division, Allahabad.

(Sri Satish Chaturvedi, Advocate)

. Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. Rafiquddin, J.M.

The applicant while discharging his duties as Mail Man in the Office of Senior Superintendent of Post Offices (Railway Mail), Allahabad (respondent no.4) was proceeded under the provisions of Rule 14 CCS(CCA) Rules, 1965 (hereinafter referred to as the Rules, 1965) on the imputation of misconduct and misbehaviour. It was alleged that the applicant remained absent from duty from 27-12-1976 to 8-5-1980 and again from 15-5-1980 onwards unauthorisedly without giving any type of leave sanction

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in violation of Rule 62 of the Post and Telegraph Vol.III
mandate Rule 3(ii), (iii) & (iii) of CCS (Conduct)
Rules, 1964. The enquiry officer after conducting enquiry
submitted his report and the disciplinary authority of
the applicant, namely, respondent no.4 accepted the report
of the Enquiry Officer and passed removal order of the
applicant on 30-6-1988. The applicant filed an appeal
against the aforesaid order of removal dated 30-6-1988.
The appellate authority set aside the punishment order
pending the case for de novo proceeding and a fresh
charge sheet was issued to the applicant under Rule 14
of the Rules of 1965 on 15-5-1990. Thereafter the
charge sheet dated 18-6-1990 was passed whereby the
applicant was ordered to be compulsorily retired from
service. The applicant preferred the appeal against the
order dated 18-6-1990 which was received on 07-9-1991
in the office of Director General Post(Railway), (respondent
no.1) which was rejected vide order dated 30-3-1991.
The applicant also preferred another petition to the
Water Postal Services Board, which has also been rejected.
The applicant has filed this OA for quashing the aforesaid
order dated 30-6-1988, 26-10-1988, 30-6-1990 and 29-4-1992.
2. The main grounds for challenging the validity
of the aforesaid orders are that the service book of the
applicant was not properly maintained by the department,
and the burden has been shifted to the applicant. The
medical certificate submitted by the applicant was not
in record. This shows that the service record of the
applicant has been destroyed. Thereafter proceedings
were been started. The time of eight years has been
elapsed from the date charge sheet issued on
18-6-1990. It has also been argued that the year taken
during completion of enquiry and decision should on no
account be the basis to count absence of the applicant.
Therefore, the order passed by the respondents was

without the weight of evidence in support. The appeal has been rejected on this ground. The applicant was also not provided a copy of the relevant documents and as such the proceedings are illegal and arbitrary.

3. We have heard counsel for the parties and perused the record carefully.

4. It is evident from the grounds mentioned by the applicant that the only allegation regarding irregularity pointed out by the applicant in conducting the enquiry is that some relevant documents were not given to the applicant. It is, however, noted that no specific documents relevant to the charges have been mentioned by the applicant and the ground is extremely vague. It is also relevant to mention here that the charge against the applicant was levelled on the basis of pay slip, pay bills and service book. If personal file of the applicant is missing, we do not find that would make the finding doubtful because the service book and pay bills of the applicant are available to show that he remained absent for quite a long time without any proper authority. Since there is no allegation regarding the irregularity, having been conducted by the Enquiry Officer, while conducting the departmental enquiry against the applicant, we do not find any justification to interfere with the findings recorded by the respondents or to interfere with the punishment order. We are satisfied that proper departmental enquiry has been conducted against the applicant for his long unauthorized absence from duty and the case is devoid of any merit and accordingly the case is dismissed with no order as to costs.

Sd/-
Member (A) Member (B)

Dated