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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

Dated: Allahabad, the 28th day of February, 2001

Corum: Hon'ble Mr. Justice R.R.K. Trivedi - Vice Chairman  
Hon'ble Mr. V. Srikantan, - Member (A)

ORIGINAL APPLICATION NO. 1586/ 1993

Shri Nathoo Lal  
Ex. D. Packer  
Post Office, Bhamora  
District: Bareilly.

... Applicant

(By Advocate Shri I.M. Kushwaha)

Vs.


1. The Union of India through  
Ministry of Communication  
Department of Posts  
Dak Bhavan  
New Delhi.
2. The Chief Post Master General  
U.P. Circle, Lucknow.
3. The Senior Superintendent of  
Post Offices, Bareilly.
4. The Sub-Divisional Inspector (West),  
Bareilly. ... Respondents

(By Advocate Shri C.S. Singh )

O R D E R (ORAL)

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE CHAIRMAN:

We have heard Shri I.M. Kushwaha, counsel for the applicant and Shri C.S. Singh appearing for the respondents. The applicant, Nathoo Lal has filed this OA under Section 19 of the Act challenging order dated 31.10.87 by which he was awarded punishment of removal from service with immediate effect. The



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above order of punishment was challenged in appeal which was also dismissed on 4.4.89. Then, the applicant filed a revision before the Chief Post Master General which was dismissed on 13.8.93. The applicant at the relevant time was serving as extra departmental packer. The charge against the applicant was that he made false signature on all the records of SPM, Bhamora. He was also charged that he issued national savings certificate from 1.1.86 to 13.6.86 and from 21.1.86 to 29.5.86. He put his signatures on the records <sup>✓ in place of</sup> of Sub-Post Master. The enquiry officer's report dated 12.9.87 was submitted exonerating the applicant from both the charges. The punishing authority, however, disagreed with the report of the enquiry officer and punished the applicant by removal from service.

2. The learned counsel for the applicant has challenged the impugned order on the ground that the applicant was not served any memo of disagreement by the punishing authority and he was not called upon to submit his explanation and the order of punishment was passed straightaway in violation of the principles of natural justice.

3. Shri C.S. Singh, learned counsel for the respondents relying on paragraph 21 & 22 submitted That reasons for disagreement with the report of the enquiry officer have been clearly mentioned in the order of punishment. However, he could not explain

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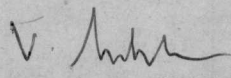
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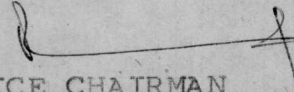


as to how the applicant could submit an effective reply if the enquiry report and memorandum of disagreement were not served on him.

4. We have considered the facts and circumstances of the case and we are of the opinion that orders of punishment was <sup>perused</sup> ~~based~~ in violation of the principles of natural justice and also <sup>in contravention of</sup> the provisions contained in Rule 8 of EDA Conduct and Service Rules. From the perusal of the order of the Post Master General, it appears that this question was raised before him but he also could not rectify the mistake. In the circumstances, the orders cannot be sustained.

5. The OA is accordingly allowed, the orders dated 31.10.87 passed by respondent No.4 and order dated 4.4.89 passed by respondent No.3 and the order dated 13.8.93 passed by respondent No.2 are quashed. The proceedings against the applicant shall be started afresh from the stage <sup>of</sup> ~~of submitting~~ the enquiry report dated 12.9.87 was filed. As the proceedings are very old, it is also directed that the proceedings shall be concluded within a period of 4 months from the date of copy of this order is filed. We further provided that the applicant will not be entitled for the backwages and reinstatement during this period. However, it shall be subject to final order passed in the enquiry report. No order as to costs.

  
ADMINISTRATIVE MEMBER

  
VICE CHAIRMAN