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THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD

Original Application No. 289 of 1993

Ganga Dayal Chauhan ... applicant

versus

Union of India and another ... respondent

-:-

HON'BLE MR MAHARAJDIN, MEMBER J
HON'BLE MR V K SETH, MEMBER - A

(By Hon'ble Mr Maharajdin, Member-J)

The applicant has filed this application seeking the relief to quash the second suspension order dated 19-10-92 passed by respondent No.2 and the order dated 07-01-93 passed by respondent No.1, confirming the second suspension order.

The applicant was appointed as Clerk (Postal Assistant) in Head Post Office, Azamgarh. On 06-02-91 he was suspended by the order of Senior Superintendent, Post Offices, Azamgarh (Annexure -1). The applicant preferred an appeal against the said suspension order which was allowed and the suspension of the applicant was revoked (Annexure -II). Respondent No.2 vide letter dated 19-10-92 again suspended the applicant in the same case (Annexure -5).

According to the applicant he cannot be placed under suspension again on the same charge.

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The respondents filed counter reply and resisted the claim of the applicant inter alia on the ground that on the basis of the preliminary enquiry made at regional level certain points, which were left out to be enquired, were got enquired and during this period some cases of fraudulent closure of recurring deposit account came to light, therefore, the applicant has again been suspended.

We have heard the learned counsel for parties and perused the record.

The petitioner was involved in a fraud case and the matter was reported to the police on 18-02-91. The case was registered against the applicant under sections 467, 468, 409, 420, Indian Penal Code, so the applicant was placed under suspension vide order dated 06-02-91. The applicant preferred an appeal and the order of suspension was revoked on 22-08-91 on the ground that no disciplinary proceedings were initiated against the applicant by that time. On receipt of preliminary enquiry report dated 30-09-92 the applicant was again placed under suspension vide order dated 19-10-92 under sub-rule (i) of Rule 10 of C.C.S.C.C.A. Rules 1965, as such the first suspension order was revoked on the ground that the delay was caused in initiating the

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departmental proceeding.

The preliminary enquiry by the department was made at regional level and certain points which were left out to be enquired into, were got enquired against the applicant and during this period some cases of fraudulent closure of recurring deposit account came to light. On preliminary enquiry the applicant was found to have been involved in series of fraud cases. In the preliminary enquiry the applicant is said to have admitted that the Pass Book and cash were received by him from Shri Ramesh Chandra Agnihotri, the husband of Mahila Agent. The applicant further admitted during the course of enquiry that the posting of account in the Pass Book and ledger was made by him. So a preliminary enquiry was held and the applicant was found involved in series of fraud cases which necessitated the applicant to be placed under suspension again. As such the suspension order cannot be termed as unjustified and illegal.

There being no merit in the case, it is hereby dismissed with no order as to cost.

W.S.
MEMBER-A

28.5.93
MEMBER-J

Dated: Allahabad, May 28th, 1993.
(VKS PS)
