

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH

ALLAHABAD

DATED : THIS THE 26TH DAY OF MARCH 1997

CORAM : Hon'ble Mr. S. Das Gupta AM
Hon'ble Mr. T. L. Verma JM
- - - - -

ORIGINAL APPLICATION NO. 782/95

C/A Sri K. P. Srivastava

VERSUS

C/R Sri S. C. Tripathi

ORDER (ORAL)

By Hon'ble Mr. S. Das Gupta AM

This O.A. has been filed under section 19 of the Administrative Tribunals Act, 1985 challenging the order dated 30.3.1990 by which stoppage of increment was imposed upon the applicant. The applicant

has prayed that the aforesaid order be quashed and the respondents be directed to promote the applicant to the Lower Selection Grade on completion of 16 years of service.

2. It appears from the averments that the applicant was served with a charge memo dated 14.12.92 and after considering his reply, the impugned order of penalty was issued. We have noted that in the C.A. in para 4, it has been mentioned that the applicant received list of documents prepared by Sub Post Master Officer, Phulpur and entered on SO D/A/C dated 11.5.1991, but did not transfer the same under receipt to S.B. ledger Clerk of the same post office. It is also stated that list of documents consisted of two cheques meant for clearance from Allahabad Kutchery Head Office and during the enquiry it was established that the said SO DA/C was misplaced by the applicant to conceal the evidence and thus he violated Rule 50 of P & T Manual Vol.VI. We have also noticed that all these facts are not mentioned in the charge memo which merely indicates that the applicant did not submit certain documents. In our view, such imputation of misconduct is vague and on this ground alone application deserves to be allowed.

3. We accordingly quash the impugned order dated 30.3.93, but grant liberty to the respondents to proceed against the applicant, if they so desire, by serving charge memo indicating specific misconduct, which the applicant is stated to have committed, in accordance with law.

J. S. Sharma
Member (J)

W. S. Sharma
Member (A)

④
Corrected with
MSD dated 9.5.97
W.S.

Th