

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

ORIGINAL APPLICATION No.971/02

Allahabad, this the 20th day of September, 2002

Hon'ble Maj. Gen. K K Srivastava, Member (A)

Manik Chand, son of late Sri Ram Chand  
resident of 5/7-C-3, L.I.G. U.P. Avas Vikas  
Colony, Sikandra Agra, Sub-Post Master,  
Belanganj, Post Office,  
Agra-1

.....Applicant

By Advocate Shri K.D. Tripathi

V E R S U S

1. Union of India, through  
Post Master General,  
Uttar Pradesh,  
Lucknow.
2. Director of Postal Services,  
Agra.
3. Senior Superintendent of Post Offices,  
Agra Division,  
Agra.

.....Respondents

By Advocate Shri R. C. Joshi

O R D E R

Hon'ble Maj Gen K K Srivastava, Member (A)

In this O.A., filed under section 19 of A.T. Act 1985, the applicant has challenged the suspension order dated 20.10.2001 passed by respondent No.3 and has prayed for a relief which this Hon'ble Tribunal may deem fit, besides awarding the cost.

2. The facts, in brief, are that the applicant was appointed as Postal Assistant on 10.07.1970 and was working in Belan Ganj Post Office on the relevant date. He was suspended by the order of respondent No.3 dated 20.10.2001. The learned counsel for the applicant

Shri K.D. Tripathi submitted that inspite of the lapse of 11 months, no charge sheet has either been served nor the disciplinary proceedings initiated. The applicant filed a representation before Director Postal Services, Agra Region, Agra on 31.01.2002 which has not been decided so far.

3. Shri Chandika Prasad holding brief of Shri R.C. Joshi, learned counsel for the respondents submitted that the Tribunal be pleased to order that the appeal/representation filed before the respondent No.2 i.e. Director Postal Services, Agra be decided.

4. I have heard the counsel for the parties, considered their submissions and perused records. The suspension order was issued on 20.10.2001. Normally an employee is placed under suspension only on grave charges. It is surprising that respondent No.3 inspite of the lapse of 11 months has taken no action to initiate disciplinary proceedings, which in my opinion is incorrect and illegal. The action of the respondent No.3 can be termed as high handed because he cannot <sup>be</sup> put his subordinate under suspension in lurch for such a long time. Justice demands that after the applicant was suspended, the disciplinary proceedings should have been initiated within reasonable time. ~~What is more surprising is that even the controlling officer of the respondent No.3 i.e. Director Postal Services Agra has not considered the representation dated 31.01.2002. More than 8 months have passed and the representation of the applicant addressed to respondent No.2 remains undecided. Under the circumstances, the applicant is entitled for the relief.~~

5. In view of the aforesaid, the O.A. is allowed. Respondent No.3 is directed to reinstate the applicant immediately on receipt of this order. However, the respondents may initiate disciplinary proceedings in accordance with law and disciplinary proceedings if so initiated will be completed within 6 months from the date of issue of chargesheet.

  
Member (A)

shukla/-