

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

O.A.No. 1458/03

Dated : This the 22nd day of January, 2004

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Raghunath Prasad,
S/o Shri Kaulesher ,
R/o Village Kowa,
Post Bankata,
District Gorakhpur.

....Applicant.

By Advocate : Shri B.N.Mishra

Versus

1. Union of India through Secretary Department of Post Dak, Bhawan, New Delhi.
2. Senior Superintendent Post Offices, Gorakhpur. Division Gorakhpur.
3. Enquiry Officer, Complaint Inspector, Post Gorakhpur.

.....Respondents.

By Advocate : Shri R.C.Joshi

O R D E R

By Hon'ble Mrs. Meera Chhibber, Member (J)

By this O.A. applicant has sought the following relief(s) :-

- " (a) issue an order or direction to the respondents No.2 to decide the reply / representation of the applicant dated 27.09.2003 expeditiously.
- (b) issue any other and further order or direction which this Court may deem fit and proper under the circumstances of the case.
- (c) to award cost of the application in favour of the applicant."

2. The grievance of the applicant in this case is that he was on leave in the night of 8/9.11.2001 when the theft had taken place in the Post Office of Dhani in which applicant was posted as C.P.Chowkidar(Group 'D' status). When he came to join the duty on 10.11.2001, he was suspended. Thereafter a detailed enquiry was conducted against the applicant but after holding the enquiry, the Enquiry Officer held the applicant not to be guilty of the charge as he was on sanctioned leave and was not unauthorisedly absent. This report was given on 16.04.2003(Page 17-26). He has also submitted that in the meantime the Up-Dakpal taking his moral responsibility of the theft has deposited the amount of Rs.2,00,600/- with the postal department, which was stolen. In spite of it, the disciplinary authority vide his letter dated 11.09.2003 issued a dis-agreement note calling upon applicant to file his reply within 15 days or else exparte decision will be taken against the applicant (Page 35). The applicant has submitted that he gave his detailed reply to the said disagreement note on 27.09.2003 itself through registered post (Page 28) but till date neither any final order has been passed by the disciplinary authority nor he has been allowed to resume the duties as he is still kept under suspension. He has, thus, sought the relief as mentioned above.

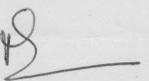
3. Counsel for the ~~Respondent~~ ^{Respondent} was seeking time to file reply. He, however, submitted that since applicant has filed his reply only on 27.09.2003, therefore, this O.A. is premature at this stage and he should await for six months before coming to the Court. He has, thus, prayed that this O.A. be dismissed at the admission stage itself.

4. I have heard both the counsel and perused the pleadings as well.

5. I am rather surprised at the argument advanced by the respondents' counsel, simply because there is a provision in the act which shows that a person should wait for six months after giving a representation. It does not give licence to the respondents to keep the matter pending for the said period without any justification specially in the matter ~~as~~ whether the Inquiry Officer has already held applicant not to be guilty and has submitted his detailed report, of course Disciplinary authority has the right to disagree ~~not~~ with the ^{report} submitted by the Inquiry Officer but once applicant has given reply to the disagreement note, the same should be decided by the disciplinary authority within a reasonable time. If, it is correct that applicant has given already his reply by the registered post on 27.09.2003 itself. I see no reasons or justification as to why the matter ~~as~~ should be kept pending for so long without taking the final decision. Therefore, I feel the ends of justice would be met by disposing of the O.A. at the admission stage itself by giving direction to the respondent no.2 i.e. Senior Superintendent Post Offices, Gorakhpur to apply his mind to the reply given by the applicant and to pass the final orders within a period of 4 weeks from the date of receipt a copy of this order by passing a reasoned order under intimation to the applicant. with the above

6. With the above discussion this O.A. is disposed of at the admission stage itself.

7. There will be no order as to costs.


Member (J)

Brijesh/-