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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A. NO. 260/00199 OF 2014

Cuttack this the 2nd day of April, 2014

CORAM

HON'BLE SHRI A.K.PATNAIK, MEMBER(j)
HON'BLE SHRI R.C.MISRA, MEMBER(A)

Narendra Kumar Balabantray,
aged about 56 years,
S/o-Lachhaman Balbantray,
At-Purneswari Sahi,
P.O/P.S.-Nimapada,
Dist-Puri
Presently working as Sub Post Master,
Bhubanipur SO(under suspension)

.....Applicant

By the Advocate(s)-M/s.J.Sengupta

G.Sinha
A.Mishra
P.P.Behera
R.Nayak
Md.E.Uddin

-VERSUS-

1. Union of India represented through
The Secretary,
Ministry of Communication and Information Technology,
Government of India,
New Delhi.
2. Director General of Posts
Dak Bhawan,
Sansad Marg,
New Delhi.
3. Chief Post Master General,
Orissa Circle, PMG Square,
Bhubaneswar
Odisha.

[Signature]

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4. Senior Superintendent of Post Offices,
Bhubaneswar Division,
Bhubaneswar-751009
5. Director of Postal Services (Personnel)-cum-appellate authority,
Head quarter,
O/o-Chief Post Master General,
PMG square,
Bhubaneswar,
Odisha
6. Sri Banamali Patra,
Inquiry Authority and Asst. Superintendent of Post Offices,
Puri Division, Puri
7. Sri Samarendra Kumar Sethi (Presenting Officer),
Inspector of Post,
Bhubaneswar South Sub-Division,
Bhubaneswar-751001

.....Respondents

By the Advocate(s)-Mr.S.B.Jena

ORDER

R.C.MISRA, MEMBER(A)

Applicant, a Sub Postmaster of Bhubanipur S.O. in the Postal Department is currently under suspension on account of initiation of disciplinary proceedings against him under Rule-14 of CCS(CCA) Rules,1965.. His prayer in this O.A. is for quashing of the letter dated 11.11.2013 issued by the Senior Superintendent of Post Offices, Bhubaneswar Division, wherein Shri Banamali Patra, Assistant Superintendent of Post Offices, Puri Division has been appointed as the Inquiring Authority to enquire into the charges framed against the applicant. His further prayer is that order dated of the same day appointing Shri Samarendra Kumar Sethi, Inspector of Posts,



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Bhubaneswar South Sub-Division as the Presenting Officer in the disciplinary proceedings should also be quashed.

2. It is the case of the applicant that he has served for more than 30 years in the Department of Posts. A departmental proceedings has been initiated against him under Rule-14 of CCS(CCA)Rules, 1965 by issuing a Memorandum dated 30.8.2013 by the ^{Sy} ^L Superintendent of Post Offices. The applicant was asked to submit his written statement of defence within a period of 10 days. Further, he could not do so since he was not supplied with the copies of the documents based on which the charges were framed. Since the applicant was denied supply of relevant documents, he could not prepare his written statement of defence. Since he was placed under suspension, he made an application for revocation of the order of suspension, but did not get any relief from the concerned authorities. In the meantime, even though the written statement defence could not be submitted by the applicant as mentioned above, the concerned Disciplinary Authority appointed I.O. as well as the P.O. to conduct inquiry in the matter. The inquiry authority also has intimated to the applicant about the first sitting of the inquiry to be held at Nimapara H.O. It is also his submission that his prayer for availing of legal assistance to plead his case has also been rejected. Therefore, it is submitted by him that a great prejudice has been caused to him by the non-supply of the documents to enable him to prepare the written statement of defence and also by not giving him the legal assistance to plead his case. However, his specific prayer is for quashing of the letter dated 11.11.2013



appointing Respondent Nos. 6 and 7 as the Inquiry Authority and the Present Officer respectively.

3. We have heard the learned counsels for both the sides and also perused the records on the question of admission. This matter relates to major penalty proceedings under Rule-14 of CCS(CCA)Rules, 1965 and the prayer made by the applicant is specifically for quashing of the order appointing IO and PO which has been issued by the Senior Superintendent of Post Offices, Bhubaneswar Division on 11.11.2013. It is the very much admitted fact that this is an ongoing inquiry, in which the Inquiry Officer has also issued notice to the applicant for attending first sitting of the inquiry. A departmental inquiry under the CCS(CCA)Rules is quasi judicial in nature, in which various authorities are expected to exercise their statutory duties and responsibilities. If the applicant is prejudiced by any action of the authorities or if he has any grievance regarding the appointment of IO and PO, he will have to put forth his grievances before the Disciplinary Authority making a prayer of granting him such relief. Even the pleadings regarding non supply of documents to enable him to prepare his written statement of defence should, first of all be agitated before the Disciplinary Authority. Although we find in the record that the applicant had made a prayer to the Senior Superintendent of Post Offices on 11.9.2013 for supplying copies of the list of documents relied upon in connection with the proceedings, it is also found that the Senior Superintendent of Post Offices has responded him on 25.9.2013 stating that as per the provisions contained in CCS(CCA)Rules, applicant will get the



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opportunity to inspect the listed documents and take copies thereof at an appropriate stage of the oral inquiry. It is further intimated by the senior Superintendent of Post Offices that the applicant should submit his written statement of defence within the next 10 days. Thereafter, vide order dated 11.11.2013, Senior Superintendent of Post Offices has appointed IO as well as PO to conduct inquiry in the matter. However, it is further found in letter dt 3.1.2014 (A/10) that copies of documents were supplied.

4. Regarding the specific prayer made in the O.A. about quashing the

letter dated 11.11.2013, it is found that the applicant has not exhausted the departmental remedy in this regard. However, it is found that the SSPOs has already intimated the applicant that copies of documents required will be provided at the appropriate stage of the oral inquiry. Applicant in spite of the instructions of authorities did not submit any written statement of defence and therefore, appointment of IO and PO has been made. At this stage, we do not like to interfere with the disciplinary proceedings, since disciplinary proceedings are continuing and the departmental remedies are open to the applicant. Section 20 of the A.T.Act, 1985, provides that "A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances". In the current stage of the proceedings, applicant is at liberty to bring his grievances to the notice of the concerned authorities and accordingly, cooperate with the disciplinary proceedings. We also hope and trust that the Respondents will provide the documents required by the applicant at the appropriate stage of the inquiry to enable him to

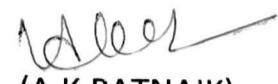


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defend his case. In view of this, we hold that the present O.A. is too premature to entertain. In the circumstances, the O.A. is rejected without being admitted. No costs.

(R.C.MISRA)
MEMBER(A)

BKS


(A.K.PATNAIK)
MEMBER(J)