

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.246/2010

Date of decision:21.11.2011

**HON'BLE Dr. K.B. SURESH, JUDICIAL MEMBER,
HON'BLE Mr. SUDHIR KUMAR, ADMINISTRATIVE MEMBER.**

Suresh Chandra Sharma S/o Shri Bal Mukand, aged 43 years, Ex-Gramin Dak Sevak Branch Post Master, Avleshwar, District Pratapgarh, R/o village Avleshwar, District Pratapgarh.

: Applicant

Mr. Vijay Mehta, counsel for applicant.

Versus

1. Union of India, through the Secretary, Ministry of Communication, (Department of Post), Sanchar Bhawan, New Delhi.
2. Superintendent of Post Offices, Chittorgarh.
3. Director Postal Services, Rajasthan Southern Region, Ajmer.

: Respondents

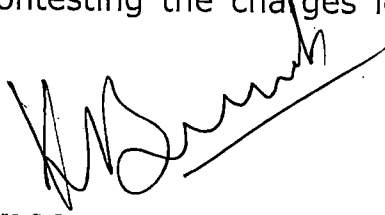
**Mr. Ankur Mathur, proxy counsel for
Mr. Vinit Mathur, counsel for respondents.**

ORDER (ORAL)

Per Dr. K.B. Suresh, Judicial Member

We have heard both the counsels in great detail and examined the pleadings. We directed the counsels to produce the documents relating to criminal case under which the applicant was kept under a prejudice sufficient enough ^{for him} /not to be able to reply to the charges levelled against him. After examining the documents, we found that against the charge sheet dated 13.06.2008, the applicant could not have participated in the enquiry, as he was in judicial custody. Acts of Court cannot prejudice anyone. Therefore, the applicant is entitled for grant of a second chance being afforded to him of contesting the charges levelled against

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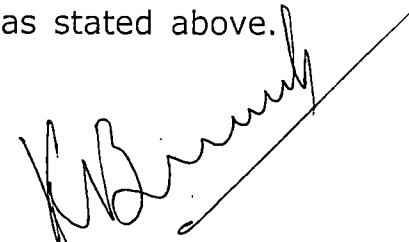
him. Therefore, all the process of the respondents starting from after the issuance of the charges, onwards, including the punishment and appellate orders, are hereby quashed.

2. We direct the respondents to bring the process of enquiry to a conclusion in the proceedings against the applicant from the stage of issuance of the charge sheet onwards, and applicant can avail next 15 days as an opportunity to file reply to the charge sheet, and on receipt of such reply, respondents are directed to consider the reply as to its sufficiency to warrant holding a full-fledged Departmental enquiry against the applicant, and, if so, then commence immediate steps to open an enquiry by appointing an Enquiry Officer and a Presenting Officer, for the purpose of a just and proper enquiry, and they shall complete the process of enquiry within three months. The applicant shall cooperate to the fullest extent in the enquiry.

3. We are not passing any order to reinstate the applicant in service in the interregnum, as any such issue for the reinstatement of applicant would depend on the outcome of the enquiry to be held by the department henceforth.

4. The O.A. is allowed to the limited extent as stated above.
No order as to costs.


[Sudhir Kumar]
Administrative Member


[Dr. K.B. Suresh]
Judicial Member

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