

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 425 of 2011

Friday, this the 3rd day of June, 2011.

CORAM:

**HON'BLE Mr. JUSTICE P.R. RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

V.T. Uthup,
S/o. Shri Thomas V.U,
Sub Post Master,
Kaduthuruthy Post Office,
Residing at : Varakukalayil,
Kallara South, Kallara,
Kottayam District : 686 611

... Applicant.

(By Advocate Mr. O.V. Radhakrishnan, Senior with
Mrs. K. Radhamani Amma)

v e r s u s

1. Senior Superintendent of Post Offices,
Kottayam Division, Kottayam : 686 001
2. Post Master General,
Central Region, Cochin : 682 018
3. Union of India represented by its
Secretary, Ministry of Communication and
Information Technology,
New Delhi.
4. P.M. Sankaran,
Inquiring Authority,
Senior Superintendent of Post Offices, (Retd.),
Residing at "Karthika", Pulikutty Madom Road,
Irinjalakuda : 680 121

... Respondents.

(By Advocate Mr. Pradeep Krishna, ACGSC)

This application having been heard on 03.06.2011, the Tribunal on the same day delivered the following:

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ORDER**HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

The applicant is presently working as Sub Postmaster, Kaduthuruthy Sub Post Office. He was placed under suspension in contemplation of disciplinary proceedings. The order of suspension was revoked subsequently and he was served with a Memo dated 08.08.2008 proposing to hold an enquiry against him under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The applicant denied the charges vide letter dated 16.08.2008. The 4th respondent was appointed as Inquiry Authority to enquire into the charges against the applicant as per Memo dated 14.11.2008 of the 1st respondent. Shri V.T. Dasan, ASP, Kottayam East Sub Division was appointed as the Presenting Officer vide order dated 14.11.2008. The enquiry commenced on 23.12.2008. Some of documents sought by the applicant were supplied to him; other documents were not supplied. The examination of the witnesses commenced on 27.02.2010. M/s. V. Sajeev George and Jalal P. Baby though summoned to appear for the enquiry were not present on that day. On 13.07.2010 also they failed to appear. The notices sent by registered post were returned as undelivered as "unclaimed". The Presenting Officer insisted that the examination of the above said two witnesses was essential for the enquiry. Fresh notices issued were returned again. The enquiry officer passed proceedings to the effect that he was left with no option but to take up the case with the authorities for enforcing the attendance of those two witnesses and the enquiry was adjourned sine die.



2. The delay in finalisation of the departmental proceedings for the purpose of examining witnesses who are not willing to co-operate and deliberately avoiding the enquiry inspite of repeated registered notices cannot be justified in law as per the say of the applicant. The delay in finalising the enquiry entails adverse civil consequences to him. He is denied promotion to Lower Selection Grade, Higher Selection Grade-II and Higher Selection Grade-I due to the pendency of the enquiry.

3. We have heard the learned counsel for the parties.

4. On considering the submissions of both the sides, we are of the considered view that this O.A. can be disposed of without getting a formal reply from the respondents by directing the 1st and 4th respondents to finalise the departmental proceedings against the applicant, with or without the examination of M/s. V. Sajeev George and Jalal P. Baby within a period of three months from the date of receipt of a copy of this order failing which the charge sheet and the enquiry would stand quashed and set aside, and to take consequential action in regard to his promotions as per law within a further period of two months. Accordingly ordered so. No order as to costs.

(Dated, the 03rd June, 2011)



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER