

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.452/97

Thursday, this the 24th day of April, 1997.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

M Prasannakumar,
Sorting Assistant(Cashier)
(Under suspension)
Sub Record Office,
Railway Mail Service, Palakkad. - Applicant

By Advocate Mr OV Radhakrishnan

Vs

1. Superintendent,
Railway Mail Service
Calicut Division,
Calicut-673 032.
2. Senior Superintendent of Post Offices,
Calicut Division,
Calicut-673 002.
3. Director of Postal Services,
Office of the PostMaster General,
Northern Region, Calicut-673 011.
4. The Member(Personnel),
Postal Services Board,
Department of Posts,
Oak Bhavan, Sansad Marg,
New Delhi-110 001.
5. Union of India represented by
its Secretary,
Ministry of Communications,
New Delhi-110 001. - Respondents

By Advocate Mr MHJ David J, ACGSC

The application having been heard on 24.4.97 the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The applicant, a Sorting Assistant placed under suspension by an order dated 2.11.95 is aggrieved by the prolonged suspension as also by the inaction on the part of respondents in completing the disciplinary proceedings initiated against him. He is also aggrieved by the fact that the respondents despite being satisfied that the delay in finalisation of the departmental proceedings is not for any reason attributable to him, have failed to enhance the rate of subsistence allowance. Under these circumstances, the applicant has filed this application praying for the following reliefs:

- "(i) to call for the records leading to Annexure-A1 order of suspension dated 2.11.1995, Annexure-A4 order dated 10.1.1996 of the 3rd respondent, A-7 order dated 29.2.1996 of the 1st respondent, A-9 order dated 15.4.1996 of the 3rd respondent, A-12 order dated 9.9.1996 of the 4th respondent and Annexure-A13 order dated 6.12.1996 of the 4th respondent and to set aside the same;
- ii) to issue appropriate direction or order directing the respondents to reinstate the applicant to duty forthwith;
- iii) to issue appropriate direction or order directing the respondents to complete the departmental enquiry as expeditiously as possible and at any rate within a time frame that may be fixed by this Hon'ble Tribunal; and
- iv) to issue appropriate direction or order directing the respondents to enhance the subsistence allowance by 50% of the allowance allowed under Annexure-A2, in respect of the period exceeding the period of the first three months in terms of Fundamental Rule 53(i) (ii)(a) (i) and to pay subsistence allowance at the enhanced rate for the period from 2.2.1996 and to disburse the arrears to the applicant forthwith."

2. The substance of allegation against the applicant in the memorandum of charge is causing pecuniary loss to the Government on account of his negligence. One Shri K Sukumaran, Higher Selection Grade Sub Record Officer and the applicant were said to be the custodian of the cash chest. Shri Sukumaran was placed under suspension and disciplinary proceedings against him is also pending. Shri Sukumaran had filed OA-1212/96 which was disposed of by order dated 15.11.96. The respondents were directed to complete the disciplinary proceedings within three months, providing that if they fail to do so the applicant in that case would be reinstated in service. The respondents were also directed to review the quantum of subsistence allowance within fifteen days.

3. When the application came up for hearing today, though a statement has been filed by the respondents, learned counsel for respondents state that as the factual circumstances in this case as also in O.A.1212/96 are similar, this application may also be disposed of with similar directions as in O.A.1212/96 giving the respondents at least a month's time to hold the second review of the subsistence allowance.

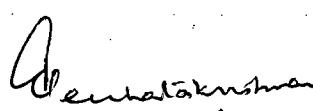
4. In the light of the statement of the learned counsel for respondents at the Bar, the application is disposed of

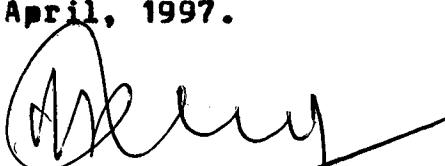
with following directions:

- i) The respondents shall complete the disciplinary proceedings initiated against the applicant within a period of three months from the date of receipt of a copy of this order;
- ii) If the respondents fail to complete the disciplinary proceedings within the said period of three months, the applicant shall be reinstated in service on the expiry of the aforesaid period of three months, and the respondents would be free to continue the disciplinary proceedings if they so choose;
- iii) The respondents shall complete the second review of the subsistence allowance in accordance with the instructions contained in G.I.M.F.O.M.No. F(1)EIV(A)/66 dated 30.6.66 within a period of one month from the date of receipt of a copy of this order. Arrears if any, flowing from such a review shall be made available to the applicant within fifteen days after the review; and
- iv) For the expeditious completion of the disciplinary proceedings against the applicant, the applicant is directed to co-operate with the respondents.

4. No costs.

Dated, the 24th April, 1997.


PV VENKATA KRISHNAN
ADMINISTRATIVE MEMBER


AV HARIDASAN
VICE CHAIRMAN

LIST OF ANNEXURES

Annexure A1: True copy of the Memo No.K1/31/95-96
dated 2.11.95 of the 1st respondent.

Annexure A4: True copy of the order No. Staff/30-Misc/79/95
dated 10.1.96 of the 3rd respondent.

Annexure A7: True copy of the Memo No.K1/31/95-96
dated 29.2.96 of the 1st respondent.

Annexure A9: True copy of the Memo No. STAFF/30-Misc/11/96
dated 15.4.96 of the 3rd respondent.

Annexure A12: True copy of the Order No. 3-15/96-VP
dated 9.9.96 of the 4th respondent.

Annexure A13: True copy of the Order No. 3-13/96-VP
dated 6.12.96 of the 4th respondent.

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