

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM

O. A. No. 474  
T. A. No.

199 0

DATE OF DECISION 26.6.90

K R Vilasini Amma \_\_\_\_\_ Applicant (s)

M/s. M R Rajendran Nair \_\_\_\_\_ Advocate for the Applicant (s)

Versus

Supdt. of Post Offices, Mavelikkara & others \_\_\_\_\_ Respondent (s)

TPM Ibrahim Khan \_\_\_\_\_ Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. M Y. Priolkar, Administrative Member

The Hon'ble Mr. N. Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? no
3. Whether their Lordships wish to see the fair copy of the Judgement? no
4. To be circulated to all Benches of the Tribunal? no

JUDGEMENT

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

The applicant in this case challenges Annexures 1 & 2 orders passed by the Respondents 1 & 2 respectively on the ground that Rule 9 of P & T E.D. Agents (Conduct & Service) Rules 1964, hereinafter referred to as Rules, does not provide for issue of an order putting the applicant off from duty before taking action for disciplinary enquiry. According to the applicant no by enquiry was initiated against ~~xxx~~ her.

2. Her case is that on 7.5.90, when the second respondent inspected the post office in which the applicant was working,

...

some shortage of amounts was found out, but the said amount was kept by her in personal custody at home. This amount was immediately remitted and there was no shortage of money. But a statement has been obtained from her. However, the respondents issued Annexure-1 under provisions of Rule 9 without taking preliminary steps for disciplinary enquiry as contemplated under the rules.

3. We have heard learned counsel for the respondents also. He submitted that there are various other defalcations which require further investigation. So some more time is required for finalising the matter and initiating appropriate steps for further action. The preliminary enquiry is pending and the impugned orders have been issued in the public interest as part of an enquiry.

4. The applicant filed Annexure-3 representation before the Chief Post Master General, Trivandrum raising her contentions and grievances, which is even now pending. The applicant has also brought to our notice DG P&T's letter dated 23.3.90, which was issued to all Divisions. It states that the cases of E.D. Agents in the matter of disciplinary proceedings should be finalised within a period of forty five days. The applicant also raised some other grounds in this

application. However, these are matters to be considered by the Chief PMG, Trivandrum before whom Annexure-3 representation is pending.

5. Having considered the matter and after hearing the learned counsel appearing on both the sides, we feel that this application can be disposed of in the interest of justice with the following directions :

i) The applicant shall file within a week from to day before the Chief PMG, Trivandrum additional representation, if any she chooses to file, along with a copy of this judgment.

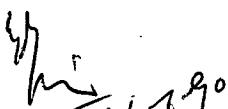
ii) If such an additional representation is also filed within the time stipulated above the Chief PMG shall dispose of Annexure-3 and the additional representation, within a period of one month from the date of receipt of the additional representation with a copy of the judgment.

6. The Original Application is disposed of with the above directions.

7. There will be no order as to costs.

  
(N. Dharmadan)  
Judicial Member

28.6.90

  
(M.Y. Priolkar)  
Administrative Member

kmm