

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 510 OF 2009

Wednesday, this the 29th day of July, 2009.

CORAM:

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

S.Ramesh Kumar
Ex-postman, Thirumala P.O
Residing at Kizhchathil Veedu
Kidrakuzhi P.O
Thiruvananthapuram - 23

... **Applicant**

(By Advocate Mrs.Jayasree M.)

versus

1. Union of India represented by its Secretary
Ministry of Communications
New Delhi
2. The Member (Personal)
Postal Service Board
New Delhi
3. Director of Postal Services (SR)
Office of the PMG Kerala Circle
Thiruvananthapuram
4. Superintendent of Post Office
Thiruvananthapuram South Division
Thiruvananthapuram - 14

... **Respondents**

(By Advocate Mr. TPM Ibrahim Khan, SCGSC)

The application having been heard on 29.07.2009, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant faced departmental enquiry in respect of certain alleged mis-appropriation of money order money and by Annexure A-1 order dated 10.12.1998 he was dismissed from service as a matter of penalty. Annexure A-2 is the appeal filed by him which was rejected by the Appellate Authority, who, however, modified the penalty as removal from service

instead of dismissal, by order dated 04.08.1999. Against the said order the applicant filed Review Petition dated 23.02.2001 which was dismissed by Member (P) Postal Services Board vide Annexure A-3. The applicant was also unsuccessful in his OA 568/02 whereby his prayer for quashing of penalty orders was dismissed vide Annexure A-4 order dated 11.03.2004.

2. Criminal proceedings were instituted against the applicant in C.C.No.338/2000 before the Additional Chief Judicial Magistrate Court, Thiruvananthapuram on the allegation of mis-appropriation of an amount of Rs. 915/- due to one Jagadhamma Pillai and an amount of Rs.300/- due to Padma Kumari which were entrusted to the applicant for delivery of money orders to the aforesaid individuals. However, in its judgment dated 07.11.2008 on benefit of doubt the Court has acquitted the applicant.

3. The applicant had filed representations dated 30.12.2008 before the Member (P), Postal Service Board, Director of Postal Services, Thiruvananthapuram and Superintendent of Post Offices, Thiruvananthapuram stating that when on the same set of facts both departmental proceedings and criminal proceedings were instituted, the criminal proceedings having resulted in acquittal of the applicant, he may be re-instated in service. On a glance at the penalty orders and criminal Courts judgment, though both the matters pertains to alleged mis-appropriation of money order money, names of the victims do not appear to be the same. As there has been no response, the applicant has moved this OA seeking the limited direction to the respondents to dispose of the pending representations.

4. Normally when the entire particulars are available, the Tribunal does not dispose of the OA with a direction to dispose of pending representations. However, in this case, as the very prayer itself is to the

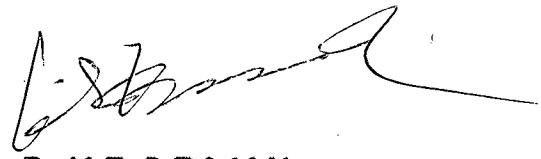
limited extent, as stated above, and as full materials are not available with the Tribunal, we are of the considered view that without issuing notice to the other side this OA can be disposed of with a direction to Appellate Authority to consider the representation and pass a reasoned and speaking order as expeditiously as possible.

5. In view of the above, this OA is disposed of with a direction to the Director of Postal Services (Respondent No.3) to consider and dispose of the representation as cited above, preferably within a period of three months from the date of receipt of a copy of this order. No costs.

Dated, the 29th July, 2009.



K.GEORGE JOSEPH
ADMINISTRATIVE MEMBER



Dr.K.B.S.RAJAN
JUDICIAL MEMBER

VS