

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.586/2003.

Thursday this the 17th day of July 2003.

CORAM:

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

A.R.Prakash Babu,
Gramin Dak Sevak Mail Deliverer,
Anakkal GDS BO (GDS MD),
Changanasserry. (Put off duty) , Applicant

(By Advocate Shri PR Padmanabhan Nair)

Vs.

1. Assistant Superintendent of Post Offices,
Changanacherry Sub Division,
Changanacherry.
2. Superintendent of Post Offices,
Changanacherry Sub Division,
Changanacherry.
3. Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram. Respondents

(By Advocate Shri C.B.Sreekumar, ACGSC)

The application having been heard on 17th July 2003,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The applicant, who is a Gramin Dak Sevak Mail Deliverer, Anakkal GDS BO, Changanasserry, is aggrieved by A-1 Memorandum dated 13.11.02 concerning the applicant's alleged failure to pay the full value of a Money Order booked at Ponkunnam and payable to a party within the jurisdiction of the Anakkal Branch Office where she is working. According to the applicant, there is no justification for issuing the memo in view of the fact that the very same charge was raised against one Smt.N.Radhamani, GDBPM, Anakkal and the charge having been admitted and proved in her case and appropriate punishment meted out to her, the applicant

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had no role to play in the alleged misconduct and therefore, there was no justification for issuing the impugned memo. Accordingly, the applicant seeks an order from this Tribunal for quashing the proceedings proposed in the impugned memo.

2. When the matter came up for consideration for admission, Shri P.R.Padmanabhan Nair, learned counsel appearing for the applicant submits that since the applicant was innocent and since the offender has already been punished, there was nothing to support the memorandum. Accordingly, he pleads that the impugned A-1 memorandum deserves to be quashed and the proceedings initiated against the applicant be dropped.

3. Shri C.B.Sreekumar, learned ACGSC who takes notice on behalf of the respondents 1 to 3 states that the O.A. is premature since the proceedings are at a very preliminary stage and since it is necessary to find out the involvement of the applicant in the alleged act of misconduct, although the GDSBPM who was responsible for the misconduct involved in the irregular payment of Money Order, has been punished. According to him, the applicant was obliged to answer the memorandum by making appropriate statements which the respondents are duty bound to consider. That legal requirement should not be waived by the Tribunal by prematurely interfering in the matter, the learned counsel would urge.

4. On a consideration of the relevant facts, we are satisfied that there is no circumstance warranting our interference at this stage, since no prejudice has actually been caused to the applicant by the mere issuance of the memorandum. Since the

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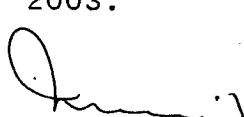
applicant also was an official associated with the duty of delivering/paying letters, money orders, whether or not his complicity was there in the transaction has to be necessarily verified for the purpose of proper discipline in the office. The applicant has the opportunity to explain what he thinks are the facts of the case and prove his innocence, and the respondents are, as stated by the Learned A.C.G.S.C., duty bound to consider the same judiciously.

5. In the circumstances, we are convinced that this case does not call for any interference at this stage, as no subsisting cause of action is discernible from the records. Accordingly, we proceed to dismiss the O.A. as premature leaving it open to the applicant to respond to the memorandum, in order that the matters might get cleared at the earliest. The respondents shall expeditiously dispose of the matter so as to avoid hardship to the applicant on account of undue delay. The O.A. is dismissed under Section 19(3) of the Administrative Tribunals Act. No order as to costs.

Dated the 17th July, 2003.



K.V.SACHIDANANDAN
JUDICIAL MEMBER



T.N.T.NAYAR
ADMINISTRATIVE MEMBER

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