

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 603 OF 2011

Wednesday, this the 12th day of October, 2011

CORAM:

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

N. Harikumar
Postal Assistant
Muthalakodam S.O, Thodupuzha – 685 605
Residing at Puthen Veedu, Kolani PO
Thodupuzha – 685 584

(By Advocate Mr. O.V.Radhakrishnan, Senior with Mr.K.Ramachndran)

versus

1. Superintendent of Post Offices
Idukki Division
Thodupuzha – 685 584
2. J.T. Venkateswarlu
Inquiring Authority
Director Postal Services (HQ)
Office of Chief Postmaster General
Tamil Nadu Circle, Chennai – 5
3. Union of India represented by its Secretary
Ministry of Communication & Information Technology
Department of Posts, Dak Bhavan
New Delhi – 110 001

(By Advocate Mr.S.Jamal, ACGSC)

The application having been heard on 12.10.2011, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

The applicant seeks for a declaration that the inexplicable delay over 11 years and 11 months in completing and finalizing the inquiry commenced against the applicant as per Annexure A-1 memorandum of charges dated 17.08.1999 has caused substantive prejudice to the

2011

applicant and also call for the records leading to Annexure A-1 and also for alternate appropriate direction to the respondents to make available the financial upgradation which are withheld on account of the pendency of the proceedings initiated as per Annexure A-1 and to disburse the arrears within a reasonable time and to issue such directions or orders as deemed fit and appropriate.

2. The applicant is presently working as Postal Assistant in Muthalakodam Sub Post Office under the jurisdiction of 1st respondent. While working as Postal Assistant at Thopdupuzha Head Post Office under Idukki Postal Division he was deputed for Army Postal Service and was enrolled as Warrant Officer in Indian Army on 28.12.1988. While working on deputation, he appeared in IPO/IRM Examination in 1966. The applicant was served with memorandum of charges dated 17.08.1999. He submitted his reply thereto. Thereafter, an Inquiry Officer was appointed in 2008 and two sittings were already held. But so far the inquiry proceedings could not be completed.

3. Despite several adjournments, no reply statement is filed by the respondents. Today, the counsel for respondents seeks further time for filing reply statement. We have in our preceding proceedings granted adjournment as last chance. In this view, we could not await for the reply to be filed. Because of the long delay whether the whole proceedings got abated is left open to be decided. Since the charge sheet is issued in 1999, there is no justification in not completing the inquiry even after lapse of several years. In the circumstances, we direct the 1st and 2nd respondents to complete the inquiry proceedings and finalize the action if



any, pursuant to the findings of the Inquiry Officer within a period of four months from today.

4. OA is disposed of as above. No costs.

Dated, the 12th October, 2011.


K GEORGE JOSEPH
ADMINISTRATIVE MEMBER


JUSTICE P.R.RAMAN
JUDICIAL MEMBER

VS