

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.No.107/97

Friday this, the 4th day of April, 1997.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR.P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

R.Felsi,
Lower Selection Grade Postal Assistant,
Post Office,
Balaramapuram (Under suspension),
residing at Rajendra Bhavan,
Kamukincode, Kondangavila P.O.
Athiyannoor Village.

..Applicant

(By Advocate Mr.V.Santharam)

vs.

1. Superintendent of Post Offices,
Thiruvananthapuram South Division,
Thiruvananthapuram.
2. The Director,
Postal Service,
Head Quarters,
Office of the Chief Post Master General,
Thiruvananthapuram.
3. Union of India represented by Secretary,
Ministry of Communication, New Delh. .. Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan, SCGSC)

The Application having been heard on 4.4.97, the
Tribunal on the same day delivered the following:

ORDER

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

The applicant is an L.S.G. Postal Assistant under suspension. She was placed under suspension by order dated 18.3.96(Annexure A-1) as a departmental disciplinary proceedings against her was alleged to be under contemplation. By order dated 5.8.1996, the quantum of subsistence allowance was enhanced by 50% with effect from 1.7.1996. The applicant filed an appeal on 28.9.96 against the order of suspension. This appeal remained to be disposed of when the application was filed.

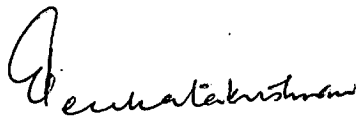
As on date of filing of this application i.e, 18.12.96, no charge sheet had been issued against the applicant. Under these circumstances, the applicant has filed this application seeking to have the impugned order of suspension quashed and for a direction to reinstate the applicant forthwith with backwages or for any other relief which this Tribunal may deem fit and proper in the circumstances of the case.

2. The respondents have filed a short reply in which they contend that the appeal submitted by the applicant has since been disposed of. A copy of the order of the appellate authority has also been annexed as Annexure R-1(A). It is seen that the appellate authority has held that as the misconduct for which the applicant has been proceeded against departmentally involves defalcation of Government money to the tune of Rs.46150/-in various savings bank accounts, there are no grounds for interference with the impugned order of suspension. However, the appellate authority has directed the disciplinary authority to draw up a charge and issue the same to the applicant within 45 days from the date of the order, namely, 10.2.1997.

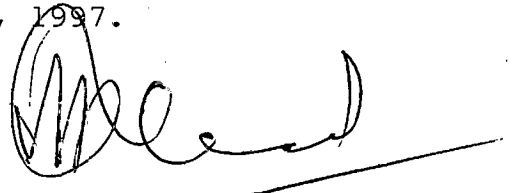
3. We have heard the learned counsel on either side and perused the various materials available on record. The applicant was placed under suspension by the impugned order in contemplation of departmental proceedings. From the order in the appeal against the order of suspension (Annexure R-1(A)) it is evident that misconduct alleged involves defalcation of Government funds. The appellate authority found no reason to interfere with the order of suspension. We also find no justification for interference with the order of suspension as the order was issued in contemplation of disciplinary proceedings against the applicant. However, keeping an

official under suspension for an unduly long period is not only prejudicial to the interest of the Government servant under suspension but also to the public exchequer. It is, therefore, just and necessary that the contemplated disciplinary proceedings is held and concluded within a reasonable time. The Chief Post Master General has by order dated 10.2.97 (Annexure R-1(A)) directed the disciplinary authority to draw up a charge and to issue the same to the applicant within 45 days from 10.2.97. Learned counsel of the respondents under instructions from the departmental representatives submits that the respondents would hold and conclude the departmental proceedings by passing an order of the disciplinary authority within a period of six months. In the light of the above statement of the learned counsel and in the circumstances of the case, we dispose of the application with the direction to the respondents to hold and conclude the departmental proceedings contemplated against the applicant within a period of six months from the date of receipt of a copy of this order and communicate a copy of the order of the disciplinary authority to the applicant within the said period. We also direct that if in case the proceedings are not completed within the said period of six months, the impugned order of suspension shall stand revoked and the applicant be reinstated in service without any further delay. There is no order as to costs.

Dated the 4th April, 1997.



P.V.VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



A.V.HARIDASAN
VICE CHAIRMAN

List of Annexures

1. Annexure-A1: True copy of the suspension order
No.F1/1/96 dated 18.3.1996 issued
by 1st respondent.
2. Annexure-R1(A): True copy of the Proceedings
No.ST/MP-2/97 dated 10.2.1997
of the 2nd respondent.