

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 276 OF 2013

Wednesday, this the 19th day of March, 2014

CORAM:

**HON'BLE MR.JUSTICE A.K.BASHEER, JUDICIAL MEMBER
HON'BLE Ms.MINNIE MATHEW, ADMINISTRATIVE MEMBER**

K.Sasidharan
Superintendent (Retd)
Postal Stores Depot, Thiruvananthapuram
Residing at Thiruvathira
Cherussery Bhagam, Chavara
Kollam – 691 583

... **Applicant**

(By Advocate Mr.Vishnu S Chempazhanthiyil)

versus

1. The Chief Postmaster General
Kerala Circle
Thiruvananthapuram – 695 033

2. Union of India represented by the
Director General
Department of Posts
New Delhi

3. The Inquiring Authority
Senior Superintendent of Post Offices
Ernakulam Postal Division
Ernakulam – 6892 011

... **Respondents**

(By Advocate Mr.A.D.Raveendra Prasad, ACGSC)

The application having been heard on 19.03.2014, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR.JUSTICE A.K.BASHEER, JUDICIAL MEMBER

Applicant retired from service on June 30, 2010 while working as Superintendent, Postal Stores Depot, Thiruvananthapuram. Admittedly Disciplinary Proceedings were initiated against the applicant prior to his retirement. The primary grievance of the applicant in this Original Application is that the Department is dragging their feet in the matter of the Departmental Proceedings pending against him. He contends that the Department is not taking efficacious

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steps to complete the process with the result his retiral benefits are being withheld.

2. Respondents have vehementally denied the above allegation. It is contended by them that all possible steps were taken at the appropriate time. It is pointed out that the Inquiry Officer has already submitted his report after examining larger number of witnesses and considering numerous documents. Be that as it may, it is the admitted position that the applicant has submitted his response to the report filed by the Inquiry Officer of the matter and now it has been referred to the Office of the Director General in the Department of Posts for further action. Mr.C.R.Ramakrishnan, Assistant Postmaster General (Staff & Vigilance), Office of the Chief Postmaster General, Trivandrum who is present before us today submits that all necessary steps will be taken to expedite the process.

3. One of the prayers in the Original Application is to declare that the Disciplinary Proceedings have abated due to the delay in completing the same. In view of the subsequent developments as narrated above, the said prayer cannot be granted.

4. The other prayer is to issue a direction to the respondents to pay all the pensionary benefits including Gratuity and Commuted value of Pension and balance of the Leave Encashment dues. It is on record that 50% of the Commuted value of Pension has already been released to the applicant. Learned counsel for the respondents submits that in the nature of the charge levelled against the applicant and also the huge amount involved (Approximately One Crore) in the alleged misconduct committed by the applicant, the Department is of the view that no further amount can be released at this juncture.

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5. We have considered the entire aspects of the matter. In the peculiar facts and circumstance of the case, particularly in view of the fact that the Inquiry Officer has already submitted his report, we are of the view that interest of justice will be met, if an appropriate direction is issued to the authority concerned to expedite the conclusion of the Departmental Proceeding without any further delay.
6. Therefore, the Original Application is disposed of with a direction to Respondent No.2 to ensure that the entire process in the Disciplinary Proceeding is completed within an outer limit of three months from the date of receipt of a copy of this order.
7. Original Application is disposed of in the above terms. No costs.

Dated, the 19th March, 2014

My order
MINNIE MATTHEW
ADMINISTRATIVE MEMBER


JUSTICE A.K.BASHEER
JUDICIAL MEMBER

vs