

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.41/2009

Tuesday this the 20th January 2009

C O R A M:

HON'BLE Mr.JUSTICE M.RAMACHANDRAN, VICE CHAIRMAN

John, S/o Mr C.M Mathew, Postmaster (HSG-I) (Retired)
Kayamkulam Head Post Office, Mavelikkara Postal Division
R/o Juby Villa, Vettuveni, Haripad - 690514.

Applicant.

(By Advocate Mr.OV.Radhakrishnan/Mr.Antony Mukkath)

Vs.

- 1 Superintendent of Post Offices
Mavelikkara Division, Mavelikkara - 690101
- 2 Director of Post Offices, Central Region
Kerala Circle, Kochi - 18.
- 3 Union of India represented by its Secretary
Ministry of Communication, New Delhi.

Respondents

(By Advocate Mr.TPM Ibrahim Khan, SCGSC/Mrs Jisha)

O R D E R

HON'BLE Mr.JUSTICE M.RAMACHANDRAN, VICE CHAIRMAN

When the matter came up for admission, Mrs Jisha entered appearance representing Mr.TPM Ibrahim Khan, SCGSC. Although on behalf of the respondents, the counsel sought time for detailed instructions, taking notice of the peculiar facts of the case I do not think a decision on merits as such, may ~~not~~ be warranted at this stage, as a finality to the issues has not been arrived at.

2 A charge memo has been issued to the applicant on the verge of his retirement date. He was found answerable for a substantial sum which the department had lost and loss required to be compensated. The counsel for the

applicant has drawn my attention to Annx.A3 issued by respondents which states that although enquiry proceedings has been initiated, without prejudice to the said action the applicant may pay the amount referred to in the memo voluntarily, if he so choses.

3 The counsel for applicant submits that there was no allegation of fraud against the applicant and when the employee expressed his willingness to compensate the loss to the department and remitted the loss assessed, there should have been quietus to the issue and he should have been given all the retiral benefits, presently with-held.

4 As of now it is not clear as to whether the department has decided to close the issue on receiving the payment or whether they still opt for the enquiry. A third party had apparently played games on the depositors capitalising the confidence bestowed on her by one and all. The circumstances requires to be looked into so as to prevent future occurances of this nature and perhaps to examine element of negligence on the part of departmental employees. But however, it is necessary that the matter should not be simply kept pending. If no enquiry is proposed to be initiated against the applicant he may be told so and all the retiral benefits due and admissible to him shall be released within two months from today. Sufficient care should be taken that the above by itself does not jeopardise any criminal cases that might have been initiated against third parties.

5 If it is proposed to hold an enquiry, every proceedings in such cases should be completed and the final decision taken should be communicated to the applicant by 31.3.2009. This is because one year's time is more than adequate to finalise any such steps. The applicant undertakes to cooperate. It is made clear that the applicant is not to undergo disciplinary proceedings after 31.3.2009 and automatically all disciplinary proceedings will stand dropped as against him on that day. All the dues and admissible retiral benefits should be released to him

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after the said date.

6 With this direction and observation the OA is closed.



(M. Ramachandran)
Vice Chairman.

kkj