

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

MA 642/89 and OPA 689/85 in

O.A. No. 249/89 198
F.A. No.

DATE OF DECISION 30/1/90

Petitioner

Advocate for the Petitioner(s)

Versus

Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. D. Sanyal Rao : M(J).

The Hon'ble Mr. D. K. Chakravarty : M(A).

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

20

DSR
M(J)

DKC
M(A)

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD.

M.A. No. 642 of 1989.

AND

M.A. No. 689 of 1989.

IN

O.A. No. 249 of 1989.

Date of Order: 30.1.90.

IN M.A.NO. 642 of 1989:

L. Chandraiah

...Applicant.

Versus.

The Secretary to Government,
Department of Posts,
New Delhi.

The Director of Postal Services,
Andhra Pradesh Northern Region,
Hyderabad.

The Superintendent of Post Offices,
Adilabad.

Shri Y. Madhava Rao
Officer on special Duty
(Departmental Enquiries)
Office of Post Master General,
Hyderabad.

...Respondents.

Counsel for the Applicant: Sri K.S.R. Anjaneyulu.

Counsel for the Respondents: Sri J. Ashok Kumar., S. C for postal Dept.

IN M.A. NO. 689 of 1989.

The Secretary to Government,
Department of Posts, New Delhi.

The Director of Postal Services,
Andhra Pradesh, Northern Region,
Hyderabad.

The Superintendent of Post Offices,
Adilabad.

Sri Y. Madhava Rao, Officer on
Special Duty (Departmental Enquiries)
Postmaster General, Hyderabad.

...Applicants/Respondents.

Versus.

L. Chandraia.

...Respondents/Applicant.

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Counsel for the Applicants: Sri J. Ashok Kumar, S.C. for postal Dept.
Counsel for the Respondent: Sri K.S.R. Anjaneyulu.

C O R A M:

THE HON'BLE SHRI D. SURYA RAO: MEMBER(J)

THE HON'BLE SHRI D.K. CHAKRAVORTHY: MEMBER(A)

(Judgment of the bench delivered by Hon'ble
Shri D. Surya Rao, HM(J)

The applicants in M.A. 642 of 1989 and M.A. 689/89 are the applicant and respondents respectively in O.A. 249/89. The applicant in O.A. 249/1989 was placed under suspension on 17-11-1987. A charge memo was issued to him on 8-2-1988. Thereafter no enquiry took place. The applicant filed the application on 28-3-1989 for revoking the suspension. The application was disposed of at the admission stage by an order dt. 30-3-1989 with a direction that the enquiry should be completed within 4 months from the date of receipt of the order. This order had been passed as the applicant had been under suspension for about 17 months. On 24-10-1989 the applicant filed M.A. 642/89 stating that one sitting of enquiry was held on 7-6-89, wherein the presenting Officer could not produce all the documents on the ground that they are lying with the Forensic expert and that they are not likely to be received within 2 months. The presenting officer was directed ^{by the enquiry officer} to examine the feasibility of giving inspection

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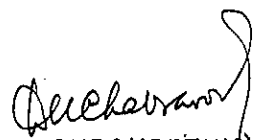
in the office of the Forensic expert and report to the enquiry officer within a week. ^{This order was not complied with.} Thereafter on 10-11-89, M.A. 689/89 was filed on behalf of the respondents in O.A. 249 of 1989 seeking 6 months from the date of order to complete the enquiry. It is stated that the documents are held up with the Finger Print Expert for comparison and his opinion is awaited. Hence extension of time is sought.

We have heard Sri Anjaneyulu, Advocate for the applicant and Sri J. Ashok Kumar, Standing Counsel for the Postal Department. A perusal of Annexure III to the charge sheet viz., List of Documents on the basis of which the charges are proposed to be proved does not show that the prosecution were seeking to rely on the Finger Print Expert's opinion for establishing the charges. Hence ~~on~~ ^{that for} the ground ~~of~~ want of the expert's opinion the enquiry is held up, is not a tenable ground. The documents relied on even if held up with the Expert could have been given inspection before the Expert as directed by the Enquiry Officer on 7-6-1989. The application M.A. 689/89 does not state why this order of the Enquiry Officer is not being complied with. ^{that} It is clear the respondents are conducting the enquiry in a leisurely manner. These applications are disposed of with a direction to the respondents that it is open to them to complete the

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enquiry within one month from the date of this order,
failing which the applicant will be reinstated ^{to duty} forthwith
on expiry of the said period of one month. This order
will not however preclude the respondent's from completing
the enquiry after reinstatement. The manner in which
the period of suspension is to be treated will be determined
after conclusion of the enquiry. There will be no order
as to Costs.


(D. SURYA RAO)
MEMBER (J)


(D.K. CHAKRAVORTHY)
MEMBER (A)

Dated: 30th January, 1990.

tar/


DEPUTY REGISTRAR (J)

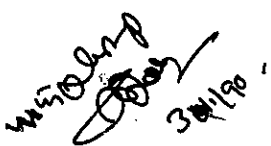
31.1.90

TO:

1. The Secretary to Government, (Union of India),
Department of posts, New Delhi.
2. The Director of postal services, Andhra Pradesh Northern Region
Hyderabad.
3. The Superintendent of post offices, Adilabad.
4. Sri Y. Madhava Rao, Officer on special duty
(Departmental enquiries) Postmaster General, Hyderabad.
5. One copy to Mr. K.S.R. Anjaneyulu, Advocate, 1-1-365/A,
Jawaharnagar, Bakaram, Hyderabad-500 020.
6. One copy to Mr. J. Ashok Kumar, SC for postal department,
CAT, Hyderabad.
7. One spare copy.

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30/1/90

Draft by: Checked by: Approved by
D.R.(J)

Typed by: --- Compared by: ---

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

~~HON'BLE MR. B.N. JAYASIMHA: (V.C.)~~

AND

HON'BLE MR. D. SURYA RAO: MEMBER (JUDL) ✓

AND

HON'BLE MR. D.K. CHAKRAVORTY: MEMBER: (A) ✓

AND

HON'BLE MR. J. NARASIMHA MURTHY: MEMBER (J)

DATED: 30-1-90

~~ORDER/JUDGMENT~~ ✓

M.A./R.A./C.A./No. 642 & 689/89 in

T.A.No. _____ (W.P.No. _____)

O.A.No. 249/89. ✓

Admitted and Interim directions
issued.

Allowed.

Dismissed.

Disposed of with direction.

M.A. Ordered.

No order as to costs. ✓

*Disposed of
all the papers*

Sent to Xerox on: Central Administrative Tribunal

DESPATCH

2 FEB 1990

HYDERABAD BENCH.