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Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 925/89

Date of Decision : 27.7.1990

~~T.A.No-~~

Sri D. Krishna Reddy Petitioner.

Sri T. Jayant Advocate for the
petitioner (s)

Versus

The Secretary, Min. of Communications, Respondent.
New Delhi and others

Sri E. Madan Mohan Rao, Addl. CGSC Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. B.N. JAYASIMHA, VC

THE HON'BLE MR. D. SURYA RAO, MEMBER (J)

1. Whether Reporters of local papers may be allowed to see the Judgment? *n*
2. To be referred to the Reporter or not? *no*
3. Whether their Lordships wish to see the fair copy of the Judgment? *n*
4. Whether it needs to be circulated to other Benches of the Tribunal? *n*
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

BNS
(HON'J)

D
(HDSR)

(81)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH AT : HYDERABAD

O.A. No.925/1989

Date of order:27.7.1990

BETWEEN

Shri D. Krishna Reddy,
Sr.Suptd. of Post Offices,
Sholapur, Maharashtra Circle,
at No.52, Type III,
Vanasthalipuram,
Hyderabad.

.. Applicant

Versus

1. Union of India,
rep.by Secretary,
Ministry of Communications,
New Delhi.

2. Asst. Director General(VIG)
Dept. of Posts, Dak Tar Bhavan,
New Delhi.

3. Chief Postmaster General,
Andhra Circle, Hyderabad.

4. R. Venkatraman,
Commissioner for Departmental
Enquiries, C.V.C., Block No.10,
Jam Nagar House, Room No.7,
Akbar Road, New Delhi.

.. Respondents

APPEARANCE

For the Applicant : Shri T. Jayant, Advocate

For the Respondents : Shri E. Madan Mohan Rao, Addl.
Standing Counsel for Central Govt.

CORAM

THE HON'BLE MR. B.N. JAYASIMHA, VICE CHAIRMAN

THE HON'BLE MR. D. SURYA RAO, MEMBER (JUDICIAL)

(Judgement of the Bench delivered by Shri B.N. Jayasimha)
Hon'ble Vice Chairman

The applicant is a retired Senior Superintendent of Post Offices (Group A Class I). He retired from service on 30.6.'89. Prior to his retirement on 3.5.'89 a charge memo was issued under Rule 14 of the CCS (CCA) Rules, 1965 consisting of two charges viz., (i) he wilfully passed several false LTC claims preferred by the officials of Kurnool Division amounting to Rs.1,04,287/- without making proper enquiries and without carrying out verification and ignoring the doubtful features of the claims pointed out by the office; (ii) While functioning in the post of Senior Superintendent of Post Offices, Kurnool Division, he had deliberately suppressed eleven (11) false LTC claims and did away with the relevant LTC Bills and willfully abandoned further action which would have resulted in serious consequences against the officials who had preferred the false claims. The applicant has questioned the issue of the charge memo on several grounds, the main contention being that the misconduct alleged relate to the period 1980 to 1984 whereas the charge memo was issued in the year 1989 i.e., there is a delay ranging between 6 to 8 years in framing the charges to commence disciplinary action against the applicant.

2) The respondents in their counter say that the memo of charges was issued after completion of preliminary enquiries and examination and the outcome thereof. The irregularities have been committed on a large scale involving a sum of Rs.1,04,287/- in the year 1981-82 and

complaints were received in June, 1983. Thereafter the department recorded the statement of the applicant on 26.9.'83. To verify these irregularities and come to a conclusion of prima facie case a large number of records had to be collected as is evident from the charge memo. Further statements had to be recorded from a large number of witnesses and as many as 12 witnesses have been cited in support of the charges. The information collected by the department had to be analysed and proceeded in accordance with the provisions of the CCS (CCA) Rules. The respondents therefore contend that for these reasons the charge memo could be issued only on 3.5.'89. CCS (CCA) Rules, 1965 do not provide for any time limit for issue of the charge memo and that there is no intentional delay on the part of the authorities.

3) We have heard Shri T. Jayant, learned counsel for the applicant, and Shri E. Madan Mohan Rao, Addl. Standing Counsel for the Central Government. Shri Jayant relies upon the Supreme Court judgement in 1990 (1) ATJ SC 653 (State of Madhya Pradesh Vs. Bani Singh and another). That was a case where charges were framed in the year 1987 in respect of irregularities which had taken place in 1976 and 1977 and these charges were framed after 12 years. The Supreme Court held that it was not the case of Department that they were not aware of the irregularity and that they came to know of it only in 1987. It was further held that there is no satisfactory

(Contd.....)

To

1. The Secretary, Union of India, Ministry of Communications,
New Delhi.
2. The Assistant Director General (VIG)
Department of Posts, Daktar Bhavan, New Delhi.
3. The Chief Postmaster General, Andhra Circle, Hyderabad.
4. ~~Mr.~~ R.venkatraman, Commissioner for Departmental Enquiries,
C.V.C. Block No.10, Jam Nagar House, Room No. 7, Akbar Road,
New Delhi.
5. One copy to Mr.T.Jayant, Advocate.
17-35.B, Srinagar colony, Gaddiannaram P&T Colony, P.O.,
Hyderabad.
6. One copy to Mr.E.Madanmohan Rao, Addl.CGSC.CAT.Hyd.Bench-
7. One spare copy

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explanation for inordinate delay in issue of charge memo. The Supreme Court under these circumstances confirmed the orders of the Central Administrative Tribunal, Jabalpur in quashing the charge memo. The facts in the present case are not similar to Bani Singh's case. From the facts mentioned earlier it cannot be said that there is unexplained delay in issuing the charge memo. The allegations involved collection and verification of a number of records and also examine a number of witnesses and recording their statements. Records relating to the charge and examinations of witnesses had to be done not only in Kurnool District but also in Anantapur District. Further it cannot also be said at this stage howfar the applicant is prejudiced in not being able to defend himself because of the delay as prima facie the entire charge is based on documentary evidence supported by oral evidence. The question whether delay has caused prejudice to the applicant in preparing his defence, depends on the circumstances and facts of each case and it is open to the applicant to raise these objections during the course of the enquiry before the enquiry officer in regard to specific evidence oral or documentary sought to be used against him. For these reasons we find no merit in the contention raised that the charges are liable to be quashed on the sole ground of delay. The application is dismissed. No order as to costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
VICE CHAIRMAN

D. Surya Rao
(D. SURYA RAO)
MEMBER (JUDICIAL)

Dictated in the open court
Dt. 27th July, 1990

MVs

for [Signature]
DEPUTY REGISTRAR (JUDL)

8/23
CHECKED BY

APPROVED BY

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. B.N. JAYASIMHA : V.C.

AND

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

AND

THE HON'BLE MR. J. NARASIMHA MURTY : M (J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M (A)

DATE: 27/7/90

ORDER/JUDGMENT:

M.A./ R.A./ C.A./ No.

in

T.A. No.

W.P. No.

O.A. No. 925/89

Admitted and Interim directions in

Allowed.

Dismissed for Default.

Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

M.A. Ordered/Rejected.

No order as to

DESPATCH

22 AUG 1990

HYDERABAD BENCH