

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA No.76/91.

Date of Judgement: 4.2.1991.

P.Venkata Rao

...Applicant

Vs.

1. The Senior Superintendent of Post Offices, Visakhapatnam, Division, Visakhapatnam.
2. The Director of Postal Services, North Eastern Region, Visakhapatnam - 20

...Respondents

- - -

Counsel for the Applicant : Shri M.P.Chandramouli

Counsel for the Respondents : Shri Naram Bhaskar Rao,  
Addl.CGSC

- - -

CORAM:

THE HON'BLE SHRI B.N.JAYASIMHA : VICE-CHAIRMAN

THE HON'BLE SHRI J.NARASIMHAMURTHY : MEMBER (J)

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

-----

Sr.

The applicant is a postal assistant under the/Superintendent of Post Offices, Visakhapatnam and this application is directed against the order No.F4/2/89/90 dt.31-10-90 rejecting his request for supply of the copies of the documents connected in the Disciplinary Proceedings against him.

2. The applicant states that while he was working as a Postal Assistant, Nehru Nagar Sub-office, Visakhapatnam, he was suspended by order dt.13-2-90 alleging that he had not accounted for certain amounts in the office records. A memorandum of charges was issued in memo No.F4/2/89-90 dated 19-9-90 proposing to hold an enquiry against the applicant under Rule 14 of C.C.S(CCA) Rules. There were four annexures

contd....2.

to the memorandum and annexure-3 contains a list of documents. The applicant submitted a representation dt.27-9-90 to the 1st Respondent stating that he has not been furnished with copies of the documents mentioned in the Annexure-III of the memorandum of charges dt.19-9-90 and they are essential for submitting his written defence statement. The 1st Respondent by his proceedings dt.16-10-90 rejected the request of the applicant stating that there is no provision in the rules for supplying the documents. The applicant submitted further representation on 25-10-90 once again requesting the 1st respondent to furnish the copies of the documents shown in Annexure-III and also praying for extension of time for submitting his written/defence statement. ~~The applicant~~ ~~xxxx xxxxxxxx xxxx xxx~~ The 1st respondent by his order ~~xxxxxx~~ dt.31-10-90 rejected the request of the applicant. The applicant contends that the action of the respondents in not furnishing the documents is arbitrary and illegal and against to the principles of natural justice.

3. The applicant also states that he <sup>is</sup> being paid ~~with the~~ subsistence allowance at the rate of half of his basic pay from the date of his suspension i.e. 13-2-90. After 6 months, the applicant submitted a representation dt.14-9-90 to the 1st respondent praying for enhancement of subsistence allowance. However, the Respondent No.1 without considering his request refused to enhance the subsistence allowance. Further representation preferred by him for enhancing the subsistence allowance is still pending. Aggrieved by these actions, applicant ~~has~~ has filed this application. contd....3..

To

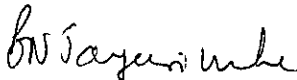
1. The Senior Superintendent of Post Offices,  
Visakhapatnam division, Visakhapatnam.
2. The Director of Postal Services,  
North Eastern Region,  
Visakhapatnam-20.
3. One Copy to Mr. M. P. Chandra Mouli, Advocate,  
H. No. 1-7-139/1, S. R. K. Nagar, Golconda 'X' Roads,  
Hyderabad-48-
4. One Copy to Mr. Naram Bhaksara Rao, Addl. CGSC, CAT., Hyderabad.
5. One Spare Copy.

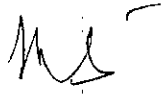
VGB.

..3..

4. We have heard the learned counsel for the applicant Shri MP Chandramouli and Shri N. Bhaskar Rao, learned standing counsel for the Respondents, who takes notice at the admission stage. Shri Bhaskar Rao states that rules do not require that copies of the documents are to be furnished and the applicant is at liberty to peruse the documents and take copies thereof. The contention of the applicant that copies of the documents are to be supplied is therefore without any basis. Shri Chandramouli states that while rejecting the request of the applicant for supply of copies, the respondents did not say that the applicant can peruse the documents and take copies of the same. If the respondents had stated that the applicant could peruse the records, the applicant would have done so. On a consideration of these submissions, we direct the respondents to permit the applicant to peruse the documents and to take copies thereof if he so wishes and give him time for 15 days from the date of receipt of the order to submit his written statement.

5. As regards the next question i.e. enhancement of subsistence allowance, the respondent in his order dt.8-10-90 has given no reason for not enhancing the subsistence allowance. We direct the respondent to dispose of the representation of the applicant in accordance with the rules after considering the points urged by him in his representation dt.12-11-90. This will be done within a period of 10 days from the date of receipt of this order. The application is disposed of with the above directions. No costs.

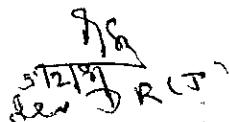
  
(B.N. JAYASIMHA)  
Vice Chairman

  
(J.N. MURTHY)  
Member(J)

Dt. 4/12 February, 1991

AVL/SQH

.....

  
5/12/91  
J.N. MURTHY