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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.572 of 1992

DATE OF JUDGMENT: 30th March, 1993

BETWEEN:

Mr. P.V.Narayana Murthy ..

Bobbili-532 558. ..

2. The Superintendent of POs,
Parvathipuram-532502.

3. The Postmaster General,
Visakhapatnam-530001.

4. Union of India represented by
the Director General, Posts,
New Delhi-110001. ..

Respondents

COUNSEL FOR THE APPLICANT: Mr. C.Suryanarayana, Advocate

COUNSEL FOR THE RESPONDENTS: Mr. N.V.Ramana, Addl.CGSC

Hon'ble Shri Justive V.Neeladri Rao, Vice Chairman

Hon'ble Shri R.Balasubramanian, Member (Admn.)

contd....

Signature

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JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

The applicant was appointed as an Extra Departmental Branch Post Master, Mettavalasa in 1984. He was placed on put off duty on 6.1.1990 contemplating departmental enquiry. A charge sheet dated 20.3.1991 was issued to the applicant in regard to the following charges:-

"Article-I: That the said Sri P.V.Narayana failed to account for the withdrawal of Rs.900/- in SB account No.36596 on 20-10-89 as reportedly entered by him in the Pass Book in the B.O. Records i.e., B.O. SB as enjoined in Rule 134 of the Book of B.O. Rules read with Rule 165 ibid and thereby failed to maintain absolute integrity and devotion to duty as required by Rule 17 of ED Agents (Conduct and Service) Rules, 1964.

Article-II: That the said Sri. P.V.Narayana Murty, ED BPM Mettavalasa a/w Bobbili H.O. (put off) during the said period failed to issue a receipt from the SB 28 receipt book to the depositor Sri. K.Satyanarayana of SB a/c No.36596 when he allegedly obtained the used up pass book A/c No.36596 ~~was~~ for sending it to Bobbili H.O. for a fresh SB pass book on 22.12.1989 in contravention of Sub Rule (2) of Rule 141 of book of B.O. Rules. Sri P.V.Narayanamurty, ED BPM (Put off) thus failed to maintain devotion to duty as required by Rule 17 of ED Agents (Conduct and Service) Rules, 1964.

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Article-III: Sri P.V.Narayanamurthy, while working as ED BPM, Mettavalasa on 22-12-89 allegedly produced used up SB fresh Pass Book No.36596 of Sri K.Satyanarayana before the counter P.A. (SB) and asked for a fresh Pass Book. Thus he failed to record the particulars of this used up SB Pass Book in the B.O. Journal dated 22-12-89 as required by B.O. Rule 164 and also failed to deposit the used up Pass Book No.36596 enclosed in the B.O. bag of the date and duly invoiced in B.O. daily account dated 22-12-89 as required by Rule 170 (m) of Book of B.O. Rules and thereby failed to maintain devotion to duty in contravention of Rule 17 of EDAs (Conduct and Service) Rules, 1964."

The enquiry was commenced on 22.5.1991. This OA was filed on 10.7.1992 praying for a direction to the respondents to reinstate the applicant into service with full back wages and continuity of service and to declare at the same time that the disciplinary proceedings instituted against the

for challenging
2. The grounds ~~on which~~ the initiation of the disciplinary proceedings and putting him on off duty are as under:-

X
1) there was a delay of more than 15½ months for issual of the charge sheet after the applicant was placed on put off duty;

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ii) An ED Agent can be placed on put off duty only if there is any allegation of fraud and unauthorised absence and the charges issued do not disclose such grounds. Thus the action of the Respondent-1 placing the applicant on put off duty and the ratification of the same by the Respondent-2 are contrary to the orders dated 6.1.1990 and 10.1.1990 issued by the Director General.

3. It is submitted for the respondents that the enquiry could not be proceeded with as the applicant prayed for adjournments on the ground that he was suffering from heart ailment and even now the Inquiry Officer is ready to complete the inquiry without any avoidable delay, if the applicant participates in the inquiry.

4. It is clear from the particulars furnished by the respondents that the applicant examined the documents on 28.9.1991 and requested for one month time for securing the services of AGS and he attended the inquiry on 14.11.1991 and then gave a list of additional documents and a list of witnesses to be examined on his behalf and from 11.2.1992 the Inquiry was adjourned at the request of the applicant himself. The particulars furnished also indicate that ~~when~~ the adjournments ^{only} on two days were made ^{when} the Presenting Officer ^{was absent} and the Inquiry Officer never adjourned it because of inconvenience ^{on his part} ~~to them~~. The learned counsel for the applicant submitted that the applicant is ^{now} in a position to participate in the inquiry.

contd....

To

1. The Sub Divisional Inspector, Posts, Bobbili-558
2. The Superintendent of Post Offices, Parvathipuram-502.
3. The Postmaster General, Visakhapatnam-1.
4. The Director General, Posts, Union of India, New Delhi-1.
5. One copy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.
6. One copy to Mr N.V.Ramana, Addl.CGSC.CAT.Hyd.
7. One spare copy

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Prof. Am
6/11/73

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5. In view of the nature of the charges framed, the inquiry may not take much time and we feel that if the witnesses are going to be present and the applicant is going to participate in the inquiry, the inquiry can be completed within three months.

6. In the circumstances we feel that it is not proper *at this stage* and hence the Inquiry Officer is directed to make every endeavour to complete the inquiry within three months from the date of receipt of a copy of this order. In the circumstances, we feel it not proper to direct the respondents to reinstate the applicant pending the inquiry.

7. The office has to communicate a copy of this order to the Respondents 1 and 2 by 12.4.1993 and the Respondent-1 in his turn has to forward a copy of this order to the Inquiry Officer within a week from the date of receipt of this order.

8. The OA is ordered accordingly. There is no order as to costs.

(Dictated in the open Court).

V Rao
(V.NEELADRI RAO)
Vice Chairman

R. Balasubramanian
(R.BALASUBRAMANIAN)
Member (Admn.)

Dated: 30th March, 1993.

Deputy Registrar
30/3/93

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TYPED BY

CHECKED BY

APPRO

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI
VICE CHAIRMAN

AND

THE HON'BLE MR. R. BALASUBRAMANIAN ;
MEMBER (ADMN)

AND

THE HON'BLE MR. T. CHANDRASEKHAR
REDDY ; MEMBER (JUDL)

DATED: 30 - 3 - 1993

~~ORDER~~/JUDGMENT

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

in

O.A.No. 572/92

T.A.No.

(W.P.No 7)

Admitted and Interim directions
issued.

Allowed.

~~Disposed of with directions~~

Dismissed as withdrawn.

Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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