

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.1056/92

Date of Order: 4.12.1992

BETWEEN:

Y.Peddasetty

.. Applicant.

A N D

1. The Superintendent of Post
Offices, Kurnool Division,
Kurnool - 518 001.
2. The Director of Postal Services,
Office of the Post Master General,
A.P., Southern Region, Ashoknagar,
Kurnool - 518 005.

.. Respondents.

Counsel for the Applicant

.. Mr.P.Rathaiah

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUD L.)

T.C. Reddy

.. 2 ..

Order of the Single Member Bench delivered by
Hon'ble Shri T.Chandrasekhara Keddy, Member(Judl.).

This is an application filed under Section 19 of the Administrative Tribunals Act by the applicant herein to quash the major penalty proceedings issued as against the applicant as per orders dated 27.2.1992 by the respondents herein.

2. The facts so far ~~xx~~ necessary to adjudicate this OA may be briefly stated as follows:-

3. The applicant had been working as L.S.G. Postal Assistant at Kurnool Head Post Office. For alleged misappropriation the applicant had been proceeded by the respondents for a minor penalty under Rule 16 of the C.C.S.(C.C.A) Rules. The First respondent as per his orders dated 14.3.1991 had imposed a penalty of withholding of one increment for 2 years without cumulative effect. While so, the Director of Postal Services, Office of Post Master General, Kurnool, in exercise of powers conferred upon him under Rule 29 of CCS (CCA) rules 1965 revised the said orders dated 14.3.1991 imposed on the applicant and remitted back the matter to the disciplinary authority as per orders dated 14.5.1991 with a direction to initiate major penalty proceedings under Rule 14 of CCS (CCA) rules 1965 from the stage of chargesheet that had been issued. The Superintendent of Post Offices had again issued a charge memo under Rule 14 of CCS (CCA) 1965 and it is the issuance of the said charge ^{memo} ~~sheet~~ that is questioned in this O.A.

4.9 We have heard today at the admission stage Mr.P.Rahtaiah, Advocate for the applicant and Mr.N.R.Devraj, Standing Counsel for the respondents.

T. Chandrasekhara

: 4 :

Copy to:-

1. The Superintendent of Post Offices, Kurnool Division, Kurnool-001.
2. The Director of Postal Services, Office of the Post Master General, A.P., Southern Region, Ashoknagar, Kurnool
3. One copy to Sri. P.Rathaiah, advocate, Lingala complex, 1st floor, H.no. 9-33/3, Dilsukhnagar, Hyd.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. One spare copy.

Rsm/-

Handwritten signature and date
17/11/21

5. We may refer to clause 'C' of Rule 29 of CCS (CCA) Rules which says that the competent authority has got power to remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case. So, it is evident from the said provision of 29 (c) of CCS (CCA) rules that the competent authority has got power to remand the matter to the lower authority for further enquiry. Exactly in this case, the competent authority has remanded back the matter to the disciplinary authority for further enquiry. But while remitting the matter back the revising authority has to order fresh hearing from the stage the enquiry was considered to be defective. So, in view of the facts and circumstances of the case, a proper direction is liable to be given to the respondents with regard to the continuation of the enquiry from the point ~~at~~ the defect was committed. While proceeding under Rule 16, the respondents had ordered issue of the chargesheet as against the applicant. Hence, we direct the respondents to continue the enquiry under Rule 14 of CCS (CCA) Rules from the point of the issuance of the said charge sheet and complete the enquiry in accordance with rules and regulations. The application is allowed accordingly to this extent only, leaving the parties to bear their own costs.

T - (Chandrasekhar Reddy)
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 4th December, 1992

(Dictated in Open Court)

A
Dy. Registrar (Judl.)

17/11/92 (2)
O.A. 1056/92

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CHECKED BY APPROVED BY

HYDERABAD BENCH

HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD

THE HON'BLE MR.

V.C.

AND

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY: M(J)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (JUDGE)

Dated: 4/12/1992

ORDER/JUDGMENT:

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

in

O.A.No.

1056/92

~~T.A.No.~~

(W.P.No.)

Admitted and Interim directions issued

~~Allowed~~

Disposed of with directions

Dismissed

Dismissed as with drawn

Dismissed for default

M.A. Ordered/Rejected

~~No order as to costs.~~

pvm.

