

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A. NO.377 OF 1992

Between:

L.Abbai

...

Applicant.

And:

Chief Postmaster General,  
Hyderabad and others

...

Respondents.

REPLY AFFIDAVIT FILED ON BEHALF OF THE RESPONDENTS

I, P.Parasuram, son of late P.Chandralah, aged 57 years, Resident of Hyderabad do hereby solemnly affirm and sincerely state as follows:

1. I am working as Assistant Postmaster General (S&V) in the office of the Chief Postmaster General, A.P.Circle, Hyderabad and as such I am well acquainted with the facts of the case. I am filing this reply affidavit on behalf of respondents and I am authorised to file the same.

2. The brief history of the case is submitted hereunder:

Sri L.Abbai, JAO(Retd.) while functioning as JAD during the period 17-4-1984 preferred a T.A. claim dated 26-4-1984 in connection with his transfer from Vijayawada to Hyderabad. The T.A. claim included fares by I Class (Rail) for his two sons as having travelled on 10-4-1984 from Vijayawada to Secunderabad which was found to be false. Accordingly, he was served with charge sheet under Rule 14 of CCS(CCA) Rules, 1965 vide Memo.No.C-96/Admn.I/EC-I/Abbai/TA Claim dated 10-9-1986. In view of the statement of the official dated 7-11-1986 admitting the charge levelled against him there is no need for an inquiry. The charge levelled was held as proved. Accordingly the CPMG, Hyderabad has awarded the punishment of compulsory retirement from service with effect from 21-1-1991.

ATTESTOR

उद्देश्यक निदेशक (प्रशासन)  
Asst. Director (Admn.)  
मुख्य पोस्टमस्टर जनरल का कार्यालय  
O/o. Chief Postmaster General,  
A.P. Circle,  
Hyderabad-500 001.

DEPONENT  
Asst. Postmaster General (S. & V.)

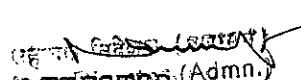
O/o. Chief Postmaster General,  
A.P. Circle, Hyderabad-500 001.


3. In reply to para 5(i) of OA, it is submitted that the applicant was promoted as UDC in January, 1967 and not January 1987 as stated by him.

Further it is not correct that the official has got good service for 26 years. In the 24th year of his service viz., in May 1984 disciplinary proceedings were initiated against the applicant for false LTC/TA claims during the year 1982 and 1983 in which charges relating to TA claims were held as proved by the Inquiry Officer for which he was issued separate Rule-14 Memo. No.26/Admn.I dated 19-5-1984, a detailed inquiry was ~~also filed~~ ~~x xxxxxx~~ conducted and punishment awarded. Further the applicant has also filed a separate OA 378/92 in CAT Hyderabad simultaneously which is pending.

4. In reply to para 5-(ii) it is submitted that it is not correct to say that the applicant had submitted all the required information. He had claimed transfer TA in respect of his adopted dependent sister. At first instance he had claimed the transfer TA in respect of this adopted dependent sister as dependent sister only. Only when the explanation called for from him he had intimated that a person in respect of whom he had claimed TA was the adopted dependent sister. He had not furnished any such information prior to his transfer from Vijayawada to Hyderabad while claiming transfer TA. He failed to produce any proof of having adopted any sister in support of his claim in his transfer TA bill.

5. In reply to para-5(iii) of OA it is submitted that on calling for information regarding his children etc., in connection with the transfer TA claim from Vijayawada to Hyderabad, the applicant submitted that all his children were residing at Visakhapatnam till 5-4-1984. On learning "the transfer news, they came to Vijayawada for sight seeing and also for seeing of temples

  
ATTESTOR (Admn.)  
O/o. Chief Postmaster General,  
A.P. Circle,  
HY. EHA 000 001.

  
DEPONENT  
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O/o. Chief Postmaster General,  
A.P. Circle, Hyderabad-500 001,

at Vijayawada, Mangalagiri and Amaravathi". The reply leads to suspicion regarding genuineness of claim and investigation was ordered.

6. In reply to para-5(v) of OA it is submitted that when the transfer TA claim was investigated in detail it was found that the applicant had played mischief by drawing undue benefits. Hence it was proposed to take disciplinary action under Rule 14 of CCS (CCA) Rules 1965 and accordingly he was served with a Memo. No. C-96/Admn-I/EC.I/Abbai/TA claim dated 10/11-9-1986.

7. In reply to para 5(vi) of OA it is submitted that the statement of the applicant that 'except the above mentioned defence statement on that day' is totally wrong. The applicant was first heard on 3-11-1986 when he denied the charges. Again he was reheard on 7-11-1986 wherein he accepted the charge in toto vide his letter dated 7-11-1986.

8. In reply to para 5(viii) of OA, it is submitted that the charged official has accepted his guilty in claiming the unentitled amount in the TA bill for which reason only the charges were levelled against him deemed to have been proved in all aspects.

9. In reply to para 5(ix) of OA it is submitted that the appellate authority having gone through all the relevant records and having considered the relevant facts and circumstances as also the submission made by the applicant, had no other go but to reject his appeal since he had accepted his guilty in claiming the amount in his TA bill.

10. In reply to ground (1) of the OA, it is submitted that under the provisions of Rule 14 of CCS (CCA) Rules 1965 holding inquiry is not necessary when all the articles of charges have been admitted by the government servant in his written statement.

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Asst. Director (Admn.)  
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O/o. Chief Postmaster General,  
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of defence and where the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in Rule 15 of CCS (CCA) Rules 1965.

11. In reply to ground (2) of OA, it is submitted that this presumption of the applicant is totally untenable. It cannot be presumed that the charge Memo. issued to him is dropped when the applicant himself has admitted the charges. Of course there has been administrative delay in deciding the quantum of punishment and amid one another charge sheet Memo. No.C.26/Admn-I/Dated. 19-5-84 was pending disposal for which he has filed another OA 378/92.

12. In reply to ground (3) of OA, it is submitted that the OA cited by the applicant is not correct it is OA 47/87 dated 20-11-1987 where he was allowed promotion as JAO with effect from 23-3-78 instead of 23-3-1983.

The applicant was working as JAO both at the time of serving the charge Memo. dated 10/11-9-86 as well as at the time of awarding punishment and hence it is within jurisdiction and competency of the authorities.

13. In reply to Ground 4 of OA, it is submitted that the orders of the applicant's compulsory retirement were passed not only on his defence dated 17-9-1986 and 3-11-1986 but in view of his statement dated 7-11-86, wherein he admitted the guilt of claiming amount in TA bill when a government servant accepted/ admitted the charges, the disciplinary authority can record its findings and pass orders and holding of oral inquiry is not necessary in the case as laid down under the provisions of Rule 14 of CCS (CCA) Rules 1965.

अधीक्षक (प्रशासन)  
Asst. Director (Admn.)  
मुख्य पोस्टमैन का कार्यालय  
O/o. Chief Postmaster General,  
आन्ध्र प्रदेश पोस्टल/ A.P. Circle,  
हयराबाद/HYDRABAD-500 001.

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14. In reply to ground v of OA, it is submitted that the allegation of the applicant cannot be given any credence as every government servant has a right to approach the Hon'ble CAT. It cannot be taken as granted that the proceedings under Rule 14 of CCS(CCA) Rules against him was kept pending for such a long period only with a view to utilise the same when the authorities developed any personal prejudice against the applicant.


15. In reply to ground vi of OA it is submitted that when the applicant was served with more than one charge sheet under Rule 14 of CCS(CCA) Rules, he deserves different or same punishment on conclusion of the case/reports etc. As he deserves such punishment in both the cases for different charges, the said orders were issued so as to settle the other case when the disciplinary authority was of the opinion to retire him compulsorily from the Govt. service.

16. In reply to ground vii of OA it is submitted that the appellate order dated 12-12-1991 is in order as the applicant had himself admitted the guilt in claiming the amounts in his TA bill and it had no other go but to reject his appeal as he failed to maintain absolute integrity contravening the provisions of Rule 3(1) (i) of CCS(Conduct) Rules 1964 and acted as manner unbecoming of a government servant under rule 3(1)(iii) ibid charge Memo. dated 10/11-9-86 and Rule 14 of CCS(CCA) Rules 1965.

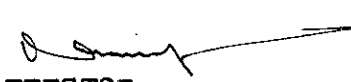
In view of the above submissions there are no merits in the OA. The Hon'ble Tribunal may be pleased to dismiss the OA.

Solemnly sworn and signed  
his name on this 24<sup>th</sup> day of  
March, 1995 before me.

*17/3/95*

  
DEPONENT  
Asst. Postmaster General (S. & V.)  
O/o. Chief Postmaster General,  
A.P. Circle, Hyderabad-500 001,

BEFORE ME

  
ATTESTOR  
सहायक निदेशक (प्रशासन)  
Asst. Director (Admn.)  
मुख्य पोस्टमैन जनरल का कार्यालय  
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*Reply & Statement*

Filed on:

Filed by: *N.V. Ramana*

*Recd copy*

*Somyathy*  
*for T. Jayant*  
*Advocate*  
*29/3/95*

*Filed by: —* *maybe filed*  
*Av*  
*10/4/95*  
*N. V. Ramana*  
*Addl. Cn.*