

ANNEXURE - I

List of Papers in Original Application No.

OA. 690/93

Sl. No. of Papers.	Date of Papers or Date of Filing.	Description of Papers.
	22-6-95	Part - I Original Judgement
	21-6-93	O.A. & Material Papers.
	16-11-93	Counter
		Reply Counter.
PART - I,	PART -- II,	PART --- III Destroyed.

22/7/99.

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**HYDERABAD BENCH**

**RECORD SECTION INDEX SHEET**

O.A. No. 690 Date 1993

a) Applicant (S) D. Anjaneyulu  
 Versus  
 b) Respondent (S) Tiru Sm. Seepz of P.O. Hyderabad

Sl.No.	Description of Documents.	Page. No.
	<u>Part. I</u>	
	Order Sheet	<u>122</u>
	Original Application	<u>3 to 10</u>
	Material Papers	<u>11 to 18</u>
	Order dated	
	Counter Affidavit.	<u>19 to 23</u>
	Reply Affidavit	
	Order dated	<u>22-6-95</u> <u>26 to 28</u>
	<u>Part. II</u>	
	Duplicate Order Sheet.	
	" Application	
	" Material Papers	<u>20</u>
	" Order dt.	
	" Counter Affidavit	
	" Reply Affidavit	
	" Order dt.	
	<u>Part-III</u>	
	Vakalat	<u>✓</u>
	Notice Papers	<u>✓</u>
	Memo of Appearance	<u>22-6-95</u>

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**HYDERABAD BENCH**

O. NO./P.A. NO.

690/92

199

D. Anjaneyulu

Applicant (S)

Versus

The Sr. Superintendent of post office, Huk  
 City Dinn Danty.

Respondent (S)

Date	Office Note	Orders
28/6/93		<p>Issue notice before admission.      The issue of notice before admission      does not preclude the competent      authority to proceed with the      Enquiry.</p> <p>Post on 26/7/93. For      Counter in the meanwhile.</p> <p><u>HPTT</u>  <u>M(A)</u></p>
8/8/93		<p>ADMIT. Post on 7-9-93 for      final hearing subject to      Post heard. For Counter in the      meanwhile.</p> <p><u>HPTT</u>  <u>M(A)</u></p> <p><u>HVNRF</u>  <u>VC.</u></p> <p>Post on 10/9/93.</p> <p><u>HPTT</u>  <u>M(A)</u></p> <p><u>HVNRF</u>  <u>VC.</u></p>
26/7		<p>By order.</p> <p><u>ABR (S) 10/9/93</u></p>

OA 680 43.

Date	Office Note	Orders
<u>16/11/93</u>		<p>Recd on 14/10/93 APRIS CMB Bengaluru H 22/11/93</p>
17.11.93 22-6-95	Constitu Affidavit filed by Mr. V. Bhagwanrao Addl. CMO for Bengaluru on 16.11.93.	<p>Judgement is delivered The OA is dismissed Copies. Orders rule Sheets.</p> <p>✓ ARR M(A)</p>
		<p>ARR VC</p>

(2)

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**HYDERABAD BENCH**

O.A. NO./T.A. NO. .... 690 ..... 1992.

D. Autarnezhw. .... Applicant (S)

et al. Versus  
The Sec. Sulabh etc. etc. etc. .... Respondent (S)

Date	Office Note	Orders
		<p>Notice before admissi post on 26/7/93 for cont in the</p>

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH - HYDERABAD

ORIGINAL APPLICATION NO. 690 OF 199

Shri D. Anjaneyulu Applicant (s)

Versus

Superintendent of Posts & Telegraphs, Hyderabad  
& another

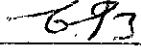
Respondent (s)

This Application has been submitted to the Tribunal

by Mr. S. Rama Krishna Rao Advocate under section 19 of the  
Administrative Tribunals Act, 1985 and same has been scrutinised with reference to the points mentioned  
in check list in the light of the provisions contained in the Administrative Tribunal (Procedure)  
Rules, 1987.

The application has been in order and may be listed for admission on 693

  
Scrutiny Officer.

  
Deputy Registrar (J)

8. Has the index of documents been filed and has the paging been done properly? *y*
9. Have the chronological details of representations made and the outcome of such representations been indicated in the application? *yes*
10. Is the matter raised in the application pending before any court of law or any other Bench of the Tribunal? *y*
11. Are the application/duplicate copy/spare copies signed? *y*
12. Are extra copies of the application with annexures filed.
  - a) Identical with the original *y*
  - b) Defective *2*
  - c) Wanting in Annexures *2*

No ..... / Page Nos .....

  - d) Distinctly Typed? *y*
13. Have full size envelopes bearing full address of the Respondents been filed? *y*
14. Are the given addresses, the registered addresses? *y*
15. Do the names of the parties stated in the copies, tally with those indicated in the application? *2*
16. Are the translations certified to be true or supported by an affidavit affirming that they are true? *yes*
17. Are the facts for the case mentioned under item No. 6 of the application.
  - a) Concise? *y*
  - b) Under distinct heads? *2*
  - c) Numbered consecutively? *2*
  - d) Typed in double space on one side of the paper? *y*
18. Have the particulars for interim order prayed for, stated with reasons? *y*

Cheek Sheet

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

**INDEX SHEET (DUPLICATE)**

**APPLICANT (S)**

.....  
*Dr. A. Jayaramulu*.....

**RESPONDENT (S)**

.....  
*Shri. P. J. S. Reddy & another*.....

**Particulars to be examined**

**Endorsement as to result  
of examination**

1. Is the applicant competent to file this application? *y*
2. a) Is the application in the prescribed form? *y*  
b) Is the application in paper book form? *y*  
c) Have prescribed number of complete sets of the application been filed? *y*
3. Is the application in time? *y*

If not by how many days is it beyond time ?

Has sufficient cause for not making the application in time stated?

4. Has the document of authorisation/Vakalatnama been filed? *y*
5. Is the application accompanied by B.D. / I.P.O. for Rs. 50/-? Number of B.D. / I.P.O. to be recorded. *y*
6. Has the copy/copies of the order (s) against which the application is made, been filed? *y*
7. (a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed? *y*  
(b) Have the documents referred to in (a) above duly attested and numbered accordingly? *y*  
(c) Are the documents referred to in (a) above neatly typed in double space? *y*

P.T.O.

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

INDEX SHEET (ORIGINAL)

O.A. NO. 6-90 of 1993

CAUSE TITLE D. Antanezuly

VERSUS  
St. Post Office  
The S. S. Sub-Sub-City Comm. And

Sl.No.	Description of Documents	Page No.
1.	Original Application	1/66
2.	Material papers	7/64
3.	Vakalat	1
4.	Objection Sheet	1
5.	Spare Copies	2
6.	Covers	2
		4

My to direct the parties to complete the inquiry before 30.6.93.

(3) Inquiry posted

Hyderabad  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH ::  
AT HYDERABAD.

O.A. NO. 690 OF 1993.

BETWEEN:

D. ANJANEYULU,  
S/o Sri D. Rajanna,  
Aged about 58 years,  
Occupation: Postal Assistant,  
Hyderabad G P.O.  
HYDERABAD.

.. APPLICANT.

AND

1. Senior Superintendent of Post Offices,  
Hyderabad City Division,  
HYDERABAD.

2. Officer on Special Duty/Inquiry,  
Office of the Chief Post Master General ,  
A.P. Circle,  
HYDERABAD.

.. RESPONDENTS.

CHRONOLOGICAL STATEMENT OF EVENTS.

Sl.No.	Date	EVENTS.
1.	19.5.1988	The applicant was issued a charge memo No. F.14-1/88-39 of Senior Superintendent of Post Offices, Hyderabad City Division Hyderabad imputing certain allegations against the applicant.
2.	2.2.1989	The inquiry commenced in the said allegations against the applicant.
3.	26.5.1993	The last sitting of the inquiry was held by the Inquiry Officer in the presence of the applicant and the presenting officer. The inquiry is being continued in snail's-pace with no intention to complete the inquiry before 30.6.1993, i.e. the date of superannuation of the applicant.

Hence, this application before the Hon'ble Tribunal.

R. N. Rao  
COUNSEL FOR THE APPLICANT.

Place: HYDERABAD  
Date: 21.6.1993.



Recd  
21.6.93  
R. N. Rao  
Counsel  
for the  
Applicant

Anjaneyulu

(9)

FORM II

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS  
ACT, 1985.

O.A. NO. 6900 F 1993.

BETWEEN:  
D. ANJANEYULU,  
S/o Sri D. Rajanna,  
Aged about 58 years,  
Occupation: Postal Assistant,  
Hyderabad G.P.O.  
HYDERABAD.

APPLICANT.

A N D

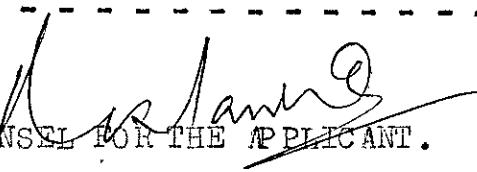
1. Senior Superintendent of Post Offices,  
Hyderabad City Division,  
HYDERABAD.

2. Officer on Special Duty/Inquiry Officer,  
Office of the Chief Post Master General,  
A.P. Circle,  
HYDERABAD.

RESPONDENTS.

I N D E X.

Sl. No.	Description of documents Relied Upon	Annexure No.	Page No.
1.	Application	--	1 to 6
2.	Memo No. F14-1/88-89, dt: 19.5.1988 of the Post respondent	II	7
3.	Memo No. I/SPE-2/89, dt: 2.9.1989 of Asst. Supdt. of Post Offices, Sec'bad East Sub Division, Hyderabad - 500 659.	III	8 to 13
4.	Daily Order Sheet No. 32 under file No. Disc-80/90, dt: 26.5.1993.	IV	14

  
COUNSEL FOR THE APPLICANT.

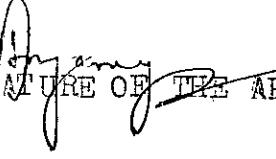
Date: 21.6.1993.  
Place: HYDERABAD.

FOR USE IN TRIBUNAL'S OFFICE:

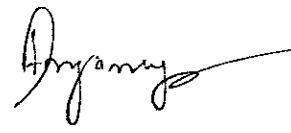
DATE OF FILING: O R

DATE OF RECEIPT BY POST:

REGISTRATION NO.

  
SIGNATURE OF THE APPLICANT.

SIGNATURE:  
FOR REGISTRAR.



(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : :  
AT HYDERABAD.

O.A. NO. 690 OF 1993.

BETWEEN:

D. ANJANEYULU,  
S/o Sri D. Rajanna,  
Aged about 58 years,  
Occupation: Postal Assistant,  
Hyderabad G.P.O.  
HYDERABAD.

.. APPLICANT.

A N D

1. Senior Superintendent of Post Offices,  
Hyderabad City Division,  
HYDERABAD.

2. Officer on Special Duty/Inquiry Officer,  
Office of the Chief Post Master General,  
A.P. Circle,  
HYDERABAD.

.. RESPONDENTS.

DETAILS OF THE APPLICANT:-

Address for service of summons/notices  SANKA RAMA KRISHNA RAO  
on the applicant:  ADVOCATE, 1-10-29,  
ASHOKNAGAR, HYDERABAD-20

1. Particulars of the order against which the application is made:

"This Application is against the impugned Order  
Memo No.F.14-1/88-89, dt: 19.5.1988 of Senior  
Superintendent of Post Offices, Hyderabad City  
Division, Hyderabad - 1."

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the order  
against which he wants redressal is within the jurisdiction of  
the Tribunal u/s.14 (1) (b) (ii) of the Administrative Tribunals  
Act, 1985.

3. LIMITATION:

The applicant further declares that the application is  
within the limitation period prescribed in Section 21 (1)  
(a) of the Administrative Tribunals Act, 1985.

*D. Jayney*

(6)

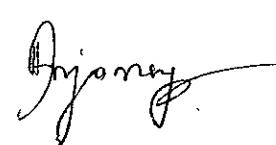
4. FACTS OF THE CASE:

The applicant humbly submit that he is working as Postal Assistant in Hyderabad G.P.O. He has got about 32 years of service in the Department including 28 years as a Postal Assistant. All these years, he has been discharging his duties with utmost devotion and sincerity.

2. While working as Postal Assistant, Khairatabad, the applicant was served with a memo of charges on 19.5.1988. <sup>AN II Page 8</sup> The allegation was that the applicant was responsible for certain shortages in articles in the Postal Stores Depot, Hyderabad during the year, 1983.

3. This charge sheet was dealt with utmost leisure by the Disciplinary Authority and the Inquiry Authority. Though the charge sheet was issued some five years and one month back the case on behalf of the disciplinary authority is not yet completed. A straight witness is yet to be examined and then the entire gamut on behalf of the defence is to be completed with the speed in which the Inquiry is being conducted, it may take another one or two years to complete the case.

4. The applicant is due to retire from service on superannuation on 30.6.1993. The allegation against the applicant ~~is~~ relates to 1983. Inspite of having 10 years time, the disciplinary authority chose not to complete the proceedings before his superannuation which is a deliberate attempt to harass and financially handicap the applicant at the time of his superannuation. If a disciplinary proceedings is continuing at the time of superannuation, the applicant will be paid only a provisional pension u/r 9 of C.C.S. (Pension) Rules, 1972 and his gratuity, commutation and leave encashment worth more than Rs.1 lakh may be withheld.



5. The respondents are deliberately trying to prolong the case only to cause financial hardship to the applicant. Any inquiry so prolonged is bad in Law as observed by the Supreme Court in A.I.R. 1990 S.C. 1308. There was enough time for the respondents to complete the inquiry within ten years but even with the imminent superannuation of the applicant on 30.6.1993, there is no urgency felt by the respondents, The last sitting in the <sup>(ANT 1 page 7)</sup> inquiry was 26.5.1993 and so far the date of next sitting has not been notified. If the respondents are allowed to continue the inquiry in this fashion, the ultimate result would be that the applicant is denied of his legitimate dues on the due date. Eventhough any irregularities were proved against the applicant on an ~~charge sheet~~ irregularity committed in 1983, the punishment if any would have been over much before 1993 and the applicant would have been allowed to retire with whatever benefits he was due to get. But the deliberate delay being caused in the inquiry is only for the purpose that the applicant should retire with no benefit even after 33 years sincere service.

6. Since the respondents had ten years to dispose the case against the applicant and five years, one month even after the issue of the charge sheet, the action of the respondents in not completing the inquiry before superannuation is unjustified.

7. Hence, this humble application before the Hon'ble Tribunal.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

The applicant was charge-sheeted on 19.5.1988 for certain irregularities alleged to have been committed during the year, 1983. There was abnormal delay in issue of the charge sheet. Even after issue of the charge sheet the inquiry against the applicant was conducted in a very leisurely manner and after five years and one month of the charge sheet. The case on behalf of the disciplinary

*Argyary*

authority is yet to be presented before the Inquiry Officer. The inordinate delay in the issue of the charge sheet and in the conduct of the inquiry is unjustified as observed by the Supreme Court in case A.I.R. 1990 S.C. 1308. The applicant is due to retire on superannuation on 30.6.1993 and as per Rule 9 of C.C.S. (Pension) Rules, 1972, the applicant would be paid only provisional pension. The liabilities to be discharged by the applicant anticipating the pensionary benefits would be upset by the deliberate delay caused by the Inquiry Officer and Disciplinary Authority in the case. In view of the heavy delay, withholding of pensionary benefits of the applicant is unjustified.

#### 6. DETAILS OF THE REMEDIES EXHAUSTED.

The applicant declares that he has availed of all the remedies available to him under the relevant service rules.

Aggrieved against the inordinate delay in conducting inquiry by the Inquiry Officer, the application represented verbally to the respondents to complete the inquiry as early as possible as he was retiring on 30.6.1993. Consequently a sitting of the inquiry was held on 26.5.1993 and inspite of repeated verbal representations, the respondents seem to be not interested to conclude the inquiry before 30.6.1993 i.e. the date of retirement on superannuation of the applicant. Therefore, the applicant has no other alternative except to approach this Hon'ble Tribunal to seek direction to the respondent to complete the inquiry proceedings before his retirement.

Hence, this application before the Hon'ble Tribunal.

*Argamay*

Q  
:: 5 ::

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any court or any other authority or any other Bench of the Tribunal nor any such application Writ Petition or suit is pending before any of them.

8. RELIEF(S) SOUGHT:

In view of the facts mentioned in para (4) above the applicant prays for the following relief(s). *Amended with the permission of the Hon'ble Tribunal.*

It is prayed that the Hon'ble Tribunal may be pleased  
~~(a) to declare the action of the Respondents in initiating disciplinary proceedings after long delay as illegal and contrary to the principles of natural justice and consequently quash it to direct the Respondents to complete the inquiry before Charge Memo. or as expeditiously as possible (b) to further declare that the applicant is entitled to all consequential benefits.~~  
~~on 20-6-1995~~ and pass such other and further order or orders as the Hon'ble Tribunal may deem fit.

9. INTERIM ORDERS IF ANY PRAYED FOR:

*Notice of Amended prayer served on Respondents. Lee*  
26/7/93.

Pending final decision on the application, the applicant seeks the following interim relief:

The applicant humbly prays that the Hon'ble Tribunal may be pleased to order the respondents to pay his retirement gratuity, commutation and leave salary encashment on the date of his superannuation in view of the heavy delay in the conduct of the inquiries, pending disposal of the O.A. and pass such other and appropriate orders as deemed fit.

10. NOT APPLICABLE.

*Dgjoney*

11. (CB) :: 6 ::

11. PARTICULARS OF THE BANK DRAFT/POSTAL ORDER  
filed in respect of the application fee:

1. P.O./D.D. No. 805869573
2. Date: 21-6-93
3. Fee: Rs.50/-
4. Name of the Office of Issue: A.S.W.L.N. & G.V.
5. Name of the Office Payable at G.P.O. HYDERABAD.

12. LIST OF ENCLOSURES:

Sl.No.	Details of the Documents.	Annexure No.
	As per Index.	

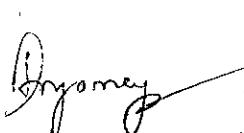
VERIFICATION.

I, D. ANJANEYULU, S/o Mr. D. Rajanna, aged 58 years, working  
Postal Assistant in the Office of the Hyderabad G.P.O., EX  
Hyderabad do hereby verify that the contents of paras 1 to 4 and  
6 to 12 are true to my personal knowledge and para 5 believed  
to be true on legal advice and that I have not suppressed any  
material facts.

  
SIGNATURE OF THE APPLICANT.

Place: HYDERABAD.  
Date : 21.6.1993

  
COUNSEL FOR THE APPLICANT.



ANNEXURE. I

DAILY INDEX SHEET No. 32

File: Disc-30/90

26 May 1993

Regular Hearing in the R  
PA, Kairatabad HPC and D.A.  
Shri G.Buddappa, OSD(DI) &

o 14 inquiry against S/Shri V.R.Chella,  
Anjeyulu, PA Hyderabad GPO held by  
, % CPAG AP Circle, Hyderabad 500 001

Regular Hearing:

Venue: OSD's Chambers, Dak Sadaan, 1st floor, Hyderabad-1  
Time : 1100hrs  
Present: S/Shri..  
1. G.Buddappa, 10  
2. C.Seshachari, PO  
3. V.R.Chella, CO-1  
4. D.Anjeyulu, CO-2

The inquiry commenced at 1100hrs. After waiting upto 1145hrs the actual inquiry took place when both the Charged Officer attended the OSD's Chambers, the venue for inquiry. Shri D.Anjeyulu, one of the charged officers gave a representation to the I.O. along with a letter of Shri L.Damodara Rao, his AGO stating that his AGO, Shri L.Damodara Rao, Technic. Supervisor, is preoccupied and therefore, he is not in a position to attend the inquiry. As such, he requested the I.O. to postpone the inquiry. Even, the AGO who in his letter addressed to the I.O. expressed his inability to attend the inquiry and postpone the same because of his preoccupation in some other work.

The I.O. after examining the both the representations, has considered the request of the C.O., as well as his AGO and adjourned the inquiry. (12.30 hrs)

The dates and the maxx value of the enquiry will be intimated in due course.

A copy of this DOS is supplied to both the C.Os and to the P.O.

C.O-I

26/5/93

P.O.

26/5/93

Dy. Asst. Commr.

Office of the Senior Superintendent of Post Offices,  
Hyderabad City Division, Hyderabad - 500 001.

\*\*\*

Memo. No. F14-1/88-8 dtd. at Hyd-1 the 19.05.1988.

M I M O R A N D U M

The undersigned proposes to hold an Inquiry against Sri. D. Anjaneyulu, PA., Khairtabad HO under Rule-14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the Inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by whom, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV).

2) Sri. D. Anjaneyulu, PA., Khairtabad HO is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3) He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should therefore, specifically admit or deny each article of charge.

4) Sri. D. Anjaneyulu, PA., Khairtabad HO is further informed that if he does not submit his written statement of defence on or before the specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule-14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold inquiry against him ex parte.

5) Attention is invited to Rule 20 of the Central Civil Services (Conduct) Rules 1964 under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Sri. D. Anjaneyulu is aware of such representation and that it has been made at his instance and action will be taken against him for violation of Rule-20 of the CCS (Conduct) Rules, 1964.

6) The receipt of this Memorandum may be acknowledged.

Senior Supdt. of Post Offices,  
Hyderabad City Division,  
Hyderabad-500 001.

Copy to:-

1) Official.

2) PF of the of

3) Vigilance Stt

of Disc. (as per

Anjaney

ANNEXURE - I

(13) 9

Statement of Articles of Charge framed against Sri. D. Anjaneyulu the then PA PSD Hyderabad and now PA Kharatabad HO. Hyderabad-500 004.

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ARTICLE - I

The said Sri. D. Anjaneyulu while functioning as Postal Assistant (Procurement) PSD Hyderabad and Custodian of paper stock during June, 1983 did not handover correct stock of white printing paper (size 17"x27") to his successor and handed over the paper with a shortage of 512.269 reams and thereby caused loss of about Rs. 46,907.40 to the Department. Thus the said Sri. D. Anjaneyulu by his above act failed to maintain absolute integrity and devotion to duty and contravened the provisions of Rule-3(1)(i) and (ii) of C.C.S.(Conduct) Rules-1964.

ARTICLE - II

That during the aforesaid period and while functioning in the aforesaid office the said Sri. D. Anjaneyulu, failed to account for the correct stock of white printing paper (Size 27"x34") at the time of physical verification and handing over stock to his successor resulting in shortage of WFP 140 reams and loss of Rs. 25,627.00 to the Department.

Thus the said Sri. D. Anjaneyulu failed to maintain absolute integrity and devotion to duty contravening the provisions of Rule 3(1)(i) & (ii) of C.C.S.(Conduct) Rules-1964.

(D.S.)

Senior Supdt. of Post Offices,  
Hyderabad City Division,  
Hyderabad-500 001.

Anjaneyulu

ANNEXURE - II

(16)

(10)

Statement of imputation of misconduct or misbehaviour in support of the articles of charge framed against Sri. D. Anjaneyulu the then PA PSD and now PA Khairtabad HO., Hyderabad- 500 004.

ARTICLE - I

Sri. D. Anjaneyulu, worked as PA(PF) in the PSD Hyderabad during June, 1983. He was the joint custodian of paper stock kept in various godowns. The paper stock size 17"x27" was kept in Walker-town Godown. According to the stock register of white printing paper size 17"x27" the stock was 4342.290 as on 11.04.1983 and there was no issue upto 21.06.1983. The stock of paper kept in Walker Town Godowns was handed over by him to Sri. Ch. Yadagiri on 21.06.1983. But in the physical verification report prepared on 01.07.1983 the stock of paper of size 17"x27" kept in Walker-town Godown was shown as 3830.021 reams while the stock register showed 4342.021 reams. This actually (3830.021 reams) represented the actual stock of paper (17"x27") as on 21.06.1983 handed over to the new incumbents. Thus it is seen that the stock actually handed over was 3830.021. When this is compared with the entries dated 21.06.1983 in the stock register there was shortage of 512.269 reams.

In his statement Sri. D. Anjaneyulu, before the ASRM PSD Hyderabad on 17.12.1983, has admitted that he had handed over the WPP (17"x27") short to the extent of 512.269 reams to Sri. Ch. Yadagiri and V.R. Challa when he made over the charge to them.

Thus the said Sri. D. Anjaneyulu as PA(PF) did not hand over the stock of paper correctly and properly, resulting in shortage of paper 512.269 reams worth Rs. 46,90.45 causing loss to the Government. Thus he failed to maintain absolute integrity contravening the provisions of Rule-3(1)(i) of C.C.S. (Conduct) Rule -1964.

ARTICLE - II

Sri. D. Anjaneyulu, Postal Assistant, Khairtabad HO worked as PA PSD Hyderabad and custodian of white printing paper during June, 1983. While handing over charge to Sri. Ch. Yadagiri, PA and Sri. V.R. Challa, AMSD(Invoice) the stock of paper kept in various godowns were verified and a statement showing the position of WPP as on 01.07.1983 was prepared and signed by Sri. D. Anjaneyulu and Sri. Ch. Yadagiri.

Contd..2/p..

*Anjaneyulu*

As per the statement to register the stock of white-printing paper was as follows:

Size WPP 27" x 34"

As on 25.05.83. .... 3,990.164 reams

At the time of physical verification the stock was found to be ... 3,850.164 reams

Thus the shortage arrived at was 140.00 reams

There was no receipt and issue WPP size 27" x 34" after 25.05.1983 to the end of June, 1983.

In his statement dated 17.12.1983 given before ASRM 13D Hyderabad Sri. D. Anjaneyulu admitted that there was shortage of 140 reams of paper (27" x 34") when he handed over the charge to Sri. Ch. Yadagiri and V.R. Challa AMSD and also admitted that he did not make any efforts to reconcile the same. A note to the effect of shortage of 150 reams (instead of 140 reams 150 was wrongly noted) in respect of WPI size 27" x 34" was made on 04.07.1983 in the physical verification statement signed by Sri. D. Anjaneyulu and by Sri. Ch. Yadagiri.

Thus the said Sri. D. Anjaneyulu as PA PF did not hand over the stock of paper of size 27" x 34" correctly and properly resulting in shortage of paper of 140 reams worth Rs. 25,627.00 causing loss to the Government. This he failed to maintain absolute integrity and devotion to duty.

*D. S. S.*  
Senior Supdt. of Post Offices,  
Hyderabad City Division,  
Hyderabad-500 001.

*Anjaneyulu*

(16) 12

AN EXHIBITURE - III

List of documents by which the articles of charge framed against Sri. D. Anjaneyulu the then PA PSD Hyderabad and now PA Khamirabad HO., Hyd-4 are proposed to be sustained.

- 
- 1) Stock Book Entries of WPP size 17"x27" dated 11.04.1983 to 25.06.1983.
- 2) Stock Book entries of WPP Size 27" x 34" dated 25.05.1983.
- 3) Physical verification report as on 01.07.1983
- 4) Gate pass dated 22.06.1983 issued to M/s: Sivarama Printing Works.
- 5) Statement of Sri. D. Anjaneyulu dated 17.12.1983 given before ASRM PSD Hyderabad.
- 6) Statement dated 16.12.1983 of Sri. Ch. Yadagiri given before ASRM PSD Hyderabad.
- 7) Statement dated 17.12.1983 of Sri. V.R. Challa given before ASRM PSD Hyderabad.
- 8) Statement dated 19.12.1983 of Sri. V.R. Challa given before ASRM PSD Hyderabad.
- 9) Statement of cost of paper found short in respect of WPP 27" x 34" size.
- 10) Statement of cost of paper found short in respect of WPP 17" x 27" size.

*All copies of above documents are enclosed*

*AS*  
Senior Supdt. of Post Offices,  
Hyderabad City Division,  
Hyderabad-500 001.

*D. Anjaneyulu*

A N N E X U R E -IV

(12) (13)

List of witnesses by whom the articles of charge framed against Shri. D. Anjaneyulu, then PA PSD Hyderabad and now Postal Assistant, Khairtabad HO are proposed to be sustained.

1. Sri. V. Chandrasekharaiah ASRM PSD Hyderabad (formerly) and now ASRM Sec'bad Air Sorting. Hyd.
2. Sri. B. Nagaiyah IPO Ptg., (formerly) and now O.S. office of the Senior Supdt. of Post offices, Secunderabad Division.
3. Sri. V. R. Challa the then AMSD (Invoice) and now LSG PA Khairtabad Head Post office.
4. Sri. C. P. Yadagiri, Ex. PA Himayatnagar, Hyd. 29 at House No. 1-4-202, Bolakpur, Hyderabad-48

*D. S. S.*

Senior Supdt. of Post offices,  
Hyderabad City Division,  
Hyderabad- 500 001.

*G. J. J. J.*

121 0020

ANNEXURE 11

18

14

DEPARTMENT OF POSTS - INDIA  
Office of the ASPOs. (East) Sub. Dn. at Hyderabad-500659

Memo. No. 115 DE - 21 89 dtd. at Hyd. Sub. Dn. on the 2-2-1989

The next sitting of the Rule 14  
inquiry against Sri V R. Achille LSA, M.A. & D. Anjeneyulu  
will be held at Muzrai Postal Office, Hyd. Secunderabad  
on 15.2.89 for the purpose of  
at 11.00 AM

1.

2.

3.

4.

Approval of the  
Govt. servant kept  
the Inquiring  
Authority

The charge official should attend the  
inquiry alongwith the A.S. on appointed date and time.  
and failure will entail in holding the inquiry expate.

Copy to:

- 1). The Official Sri D. Anjeneyulu, A.  
2). The SPM., Postal Stores Deptt. Hyd.  
3). The  
4). A.C.S.  
5). Shri  
6). The Sr. Supdt. of POs. Sec'bad Division,  
Secunderabad-500025.  
7).  
8).

3-3-89

INQUIRING OFFICER

M. A. Rushdi Siddiq  
Asst. Supdt. of Pos. Offices  
Sec'bad East Sub Division  
HYDERABAD - 500 659

Signature

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD

O.A.NO.690 OF 93

Between:

D. Anjaneyulu

...  
Applicant

And

Sr. Supdt. of Post Offices  
Hyderabad Division and another...  
Respondents

COUNTER-AFFIDAVIT FILED ON BEHALF OF THE RESPONDENTS:

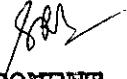
I, K. Sandhya Rani, D/O Sri K. Papa Rao aged 31 years  
Occupation Government Service, do hereby solemnly affirm and  
state as follows:

1. That, I am 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 filling this counter affidavit for myself and on behalf of  
the other other Respondents as I have been authorised to do so.  
The material averments in the O.A. are denied save those that  
are expressly admitted herein. The Applicant is put to strict  
proof of such averments except those that are specifically  
admitted hereunder.

2. It is submitted that common proceedings were initiated  
against the Applicant along with one V.R. Chella who were responsible  
for shortage of 140 reams of paper worth Rs.25,627-00 and  
the enquiry was in progress. The Applicant retired on 30-6-93  
and just a few days before his retirement, he filed the  
present O.A. on 21-6-93 seeking a direction to complete the  
inquiry before 30-6-93. As the O.A. has not been disposed of before  
the date of his retirement and the Applicant had retired,  
the prayer has been amended now seeking a direction to declare  
the disciplinary proceedings after a long delay as illegal and  
against the principles of natural justice.

  
ATTESTOR

Asst. Director (Accounts)  
Office of the Chief Postmaster General,  
A.P. CIRCLE, HYDERABAD-500 001.

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

3. The delay in completing the enquiry is partly attributable to the Applicant as he had sought a number of adjournments on one pretext or the other and used to submit petition challenging the appointment of Inquiry Officer, continuance of inquiry and partly on administrative grounds.

4. The applicant and one Sri V.R.Chella while working as Postal Assistant and Assistant Manager at Postal Stores Depot, Hyderabad were found responsible for shortage of paper. Memo. of charges under Rule 14 of CCS (CCA) Rules 1965 were issued to the applicant and Sri V.R.Chella on 19-5-1988. As two applicants were involved in the shortage of paper, the facts and circumstances of the case are same, the case was referred to the DG Posts, New Delhi on 7-7-88 for obtaining sanction of the President under Rule-18 of CCS(CCA) Rules. The DG Posts in Memo. No. 54/52/87 Vrig. III dated 29th August 1988 conveyed the approval of the President that the Disc. action against both the officials shall be taken in common proceedings and Director of Postal Services, Northern Region, Hyderabad will function as the Disc. authority for the purpose of common proceeding and shall be competent to impose all the penalties specified in Rule-11 of CCS(CCA) Rules 1965.

5. By order dated 30-1-89 Sri M.A.Rasheed Siddiqui was appointed as Enquiry Officer and Sri C.Seshachary IPO (Painting) as Presenting Officer. The Enquiry officer held first sitting on 15-2-89 in which both the officials denied charges. In the sittings held on 17-7-89 and 29-8-89, the applicant and the official inspected the original documents listed in Memo. of charges. Additional documents requisitioned by the applicant and other official were perused in the sittings held on 19-10-89, 28-11-89, 30-1-90 and 19-3-90.

  
ATTESTOR

Assistant Director (Accounts)  
Office of the 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.

6. Sri M.A.Rasheed Siddiqui, Inquiring Officer retired on 31-8-91. Therefore by order dated 7-11-91 Sri G.Subbarayudu OSD, % CPMG Hyderabad was appointed as Inquiring Officer. The Inquiring Officer held sittings on 13-1-92 and 16-1-92. On both occasions the applicant requested for postponement of inquiry on ground that this AGS was on leave; and on the second occasion on health grounds. In the sittings held on 12-3-92, 13-3-92, the evidence on behalf of the Disc. authority by examining PW2 was taken. While examining the PW3 the inquiry was postponed. In the mean while Sri G. Subbarayudu, OSD functioning as Inquiring Officer retired and by order dated 28-12-92 Sri M.Venkata Reddy, OSD was appointed as Inquiring Officer. At this stage the applicant submitted a representation dated 7-1-93 to the Chief Postmaster General, A.P.Circle, Hyderabad contending that the appointment of Sri G.Subbarayudu, OSD by order dated 7-11-91 by the Sr. Supdt. of Post Offices, Hyderabad City Dm. was vitiated by illegality since the Sr. Supdt. of Post Offices is not competent to appoint enquiry officer. As the legality of appointment of Inquiring Officer was questioned, the Inquiry Officer suspended further proceedings till disposal of the petition. The Chief Postmaster General considered his representation and disposed of the same on 12-4-93 observing that SSPOs, Hyderabad City Division who is the Disc. Authority is competent to appoint Inquiry Officer. There is no illegality in that. By that time Sri M.Venkata Reddy, OSD was reverted back to his lower post.

7. By an order dated 12-4-93 Sri G.Buddappa, OSD was appointed as Inquiring Officer. The Inquiring Officer notified sitting on 26/27-5-93. This was postponed in view of the request made by the applicant that his AGS is not in position to attend

  
**ATTESTOR**  
Assistant Director (Accounts)  
Office of the Chief Postmaster General,  
A.P. CIRCLE, HYDERABAD-500 001.

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

22

the inquiry. The applicant retired on superannuation on 30th June 1993. In the sitting held on 16-7-93 the examination of witnesses on behalf of Disc. Authority was completed.

It is submitted that it in terms of the provisions contained in Rule 9 of the CCS (Pension) Rules, 1972, the enquiry proceedings initiated while the Applicant was in service can be continued and concluded.

For all the reasons stated above, there are no merits in the O.A. and this Honourable Tribunal may be pleased to dismiss the same with such other orders as may be deemed necessary in the circumstances of the case.

  
DEPONENT

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

VERIFICATION:

I K. Sandhya Ram hereby state that the contents of the above affidavit are true to the best of my knowledge and information. Hence verified on this <sup>11<sup>th</sup></sup> day of Nov, 1993 at Hyderabad.

  
ATTESTOR

Assistant Director (Accounts)  
Office of the 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,

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

O.A.NO.690 OF 93

Between:

D. Anjaneyulu      and      Applicant

And

Sr. Supdt. of Post Offices  
Hyderabad Division  
and another      Respondents

Counter applicant filed  
on behalf of the respondents

Filed by: V. BHIMANNA

Asst. C.G.S.C



Received on  
16.11.93  
V.G.R.S

8/19/1993

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

R.A./M.A./C.A.

ORIGINAL APPLICATION NO.

690 | 93 OF 199

TRANSFER APPLICATION NO.

OLD PETN. NO.

CERTIFICATE

Certified that no further action is required to be taken  
and the case if fit for consignment to the Record Room (Decided)

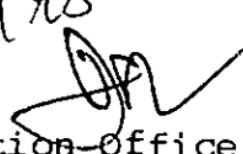
Dated:

27/7/95

Counter Signed.

Court Officer/Section Officer.

pvm.



Signature of the Dealing Asst.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT  
HYDERABAD.

C.A. NO. 690/93

DATE OF JUDGMENT: 22.6.95

BETWEEN:

D.Anjaneyulu

Applicant

AND

1. The Sr. Superintendent of Post Offices,  
Hyderabad City Division,  
Hyderabad.
2. The Officer on special duty/Inquiry  
Officer, o/o the CPMG, AP. Circle,  
Hyderabad.

Respondents

COUNSEL FOR THE APPLICANT: SHRI S.Ramakrishna Rao

COUNSEL FOR THE RESPONDENTS: SHRI V.Bhimanna  
S/o/Addl.CGSC.

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN  
HON'BLE SHRI R.RANG/RAJAN, MEMBER (ADMN.)

DA .690/93

### Judgement

( As per Hon. Mr. Justice V. Neeladri Rao, V.C. )

Heard Sri S. Ramakrishna Rao, learned counsel for the applicant, and Sri V. Bhimanna, learned counsel for the respondents.

2. Charge memo dated 19-5-1988 was issued to the applicant alleging that he was responsible for the shortage of papers that he alongwith Sri V.R. Chella, Assistant Manager(Stores) at the relevant time were responsible for shortage of 140 reams of paper worth Rs.25,627/-. Similar charge memo was also issued to Mr. V.R. Chella. As it is felt that it is necessary to conduct joint enquiry against both the applicant and Sri V.R. Chella, permission of the President was sought and for having common inquiry that permission was given on 29-8-1988. By order dated 30-8-1988, Sri M.A. Rasheed Siddiqui was appointed as Inquiry Officer and Sri C. Seshachary was appointed as Presenting Officer.

3. This OA was filed on 21-6-1993 praying for a direction to the respondents to complete the inquiry before 30-6-1993 as the applicant was going to be retired by that date. The said prayer was amended on 26-7-1993 as per order of this Tribunal ixoxMAxxxxxxxxx praying for declaration that the action of the respondents in initiating disciplinary proceedings after long delay is illegal and contrary to the Principles of Natural Justice and for consequential quashing of the charge memo and

for further declaration that the applicant is entitled for all consequential benefits.

4. In paras 5,6 & 7 of the reply statement the various proceedings which had taken place in the inquiry against the applicant and Sri V.R. Chella were referred to (in the reply <sup>was</sup> filed on 11-11-1992). They indicate that the delay in the inquiry to some extent is due to the applicant and or Sri V.R. Chella, the other delinquent employee. Hence, due to <sup>respondents</sup> it cannot be stated that there was inordinate delay in the inquiry after the charge memo was issued in 1988.

5. It is now submitted for the respondents that the delinquent officers had again taken 6 months time on the ground that the AGs Government Servant assisting them had gone abroad.

6. During the course of argument in this OA, the learned counsel for the applicant submitted that there was inordinate delay in issual of charge memo, for it was issued in 1988 in regard to the alleged <sup>out</sup> charge sheet of 1988. But when the same was not pleaded, the respondents had no occasion taken action to traverse it. But the oral submission of the applicant indicates that there was a preliminary inquiry and the concerned authority might have taken considerable long time to <sup>come to</sup> prima-facie ~~come to~~ conclusion as to which of the employees are responsible for the shortage.

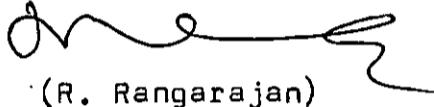
7. It is now well settled that delay per se is not a ground either for quashing charge memo or the inquiry proceedings. It depends upon the gravity of the charge.

The charge refers to the alleged shortage of papers worth ~~Rs.25,000/-~~ about ~~Rs.25 thousand~~. Further, there is no plea to the effect that ~~there is a~~ <sup>due to</sup> delay, prejudice is caused to the applicant in defending his case in the inquiry.

8. Hence, there are no grounds for quashing the charge  
charge memo or enquiry.

9. But we feel that it is just and proper to give direction to dispose of the common inquiry against the applicant and Sri V.R. Chella, expeditiously and preferably by 31-10-1995. Especially when both of them retired in 1993. We hope that in their own interest, the applicant and the other delinquent employee will co-operate for the expeditious disposal of the matter.

10. Subject to the above the OA is dismissed. No costs. //

  
(R. Rangarajan)  
Member (Admn)

  
(V. Neeladri Rao)  
Vice Chairman

Dated : June 22, 95  
Dictated in Open Court

  
Deputy Registrar (J) CC

sk

To

1. The Sr. Superintendent of Post Offices,  
Hyderabad City Division, Hyderabad.
2. The Officer on special duty/Inquiry Officer,  
O/o the CPMG, A.P.Circle, Hyderabad.
3. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT.Hyd.
4. One copy to Mr. V. Bhimanna, Addl.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm.

THPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

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

A N D

THE HON'BLE MR.R.RANGARAJAN: M(ADMIN)

DATED --22/6-- 1995.

ORDER/JUDGMENT:

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

OA.No. in 690/93.

TA.NO. (W.P. )

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

No Space copy

