

(59)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BNCH:  
AT HYDERABAD

O.A.NO. 244/93

Date of Judgment: 14 - 6 - 95

BETWEEN:

K. Ramanadham

Applicant

and

1. The Director of Postal Services  
Hyderabad City Region  
Hyderabad

2. The Sr. Post Master and the  
Enquiry Officer  
Secunderabad Head Office  
Secunderabad

3. The Superintendent of Postal Stores  
Depot  
Hyderabad

Respondents

COUNSEL FOR THE APPLICANT: SHRI

COUNSEL FOR THE RESPONDENTS: SHRI

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CORAM:

HON'BLE SHRI JUSTICE V. NEELADRI RAO, VICE CHAIRMAN  
HON'BLE SHRI P. RANGARAJAN, MEMBER

COUNSEL FOR THE APPLICANT: SHRI K.S.R. Anjaneyulu, Advocate  
COUNSEL FOR THE RESPONDENTS: SHRI V. Bhimanna  
Sr./Addl.CGSC

CORAM:

HON'BLE SHRI JUSTICE V. NEELADRI RAO, VICE CHAIRMAN  
HON'BLE SHRI P. RANGARAJAN, MEMBER

OA. 2440/93

Judgement

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

Heard Sri K.S.R. Anjaneyulu, learned counsel for the applicant and Sri V. Bhimanna, learned counsel for the respondents.

2. Common chargememo dated 26-7-1985 was issued against the applicant and M/s K.V. Ramana, G, Narender, Md. Rahmatulla and Jagannadham, and Chargememo dated 7-2-1986 was issued against the applicant alone. This OA was filed praying for quashing the Departmental Inquiry initiated in proceeding No.RDH/ST/20-6/PSD-HD/X, dated 26-7-1985 and being continued in proceeding No. Ing/KR, dated 25-1-1993 and to quash chargememo No.RDH/ST/20-5/2/86 dated 7-2-86.

3. A complaint was made to the Police on the basis of the allegations which were the subject matter of common chargememo dated 26-7-85. After investigation, chargesheet was filed against M/s. K.V. Ramana, G. Narender,

Rahmathulla and Jagannadham on 3-2-1991 in the Court of Metropolitan Magistrate, Hyderabad. The Police

informed the respondents that there was no incriminating evidence against the applicant and hence charge sheet was filed against him on the basis of the said (No. 99 of 1986).

4. In the Reply Statement filed in this OA it was proceeded dated 25-1-1993 was issued for inquiry on the basis of the Charge of 26-2-1986 and it is not with reference to charge memo dated 26-7-1985.

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5. One of the contentions raised for the applicant praying for quashing the charge memos is one of the inordinate delay. It may be noted that in view of the investigations into the allegations which are the subject matter of common charge memo dated 26-7-85 and in view of the order of this Bench in OA.985/89 filed by the applicant herein praying for staying of disciplinary proceedings on the basis of common charge memo dated 26-7-1985 till the disposal of the ~~criminal~~ <sup>relevant</sup> case ~~in~~ inquiry was conducted on the basis of the charge memo dated 26-7-1985. Any how it is not mentioned that in view of the same, the inquiry in regard to charge sheet dated 26-2-86 was also not conducted till 25-1-1993. Be that as it may, in view of the investigation as against the applicant and others in regard to the allegations covered by charge memo dated 26-7-1985 the disciplinary authority might not have conducted inquiry even in regard to charge memo dated 26-2-1986, till the investigation ~~is~~ <sup>was</sup> over in 1994. Hence, it cannot be stated that ~~inordinate~~ <sup>it was</sup> ~~delay~~ <sup>unexplained</sup> when the inquiry was commenced on the basis of charge memo dated 26-2-1986 in 1993.

6. It is not even stated for the respondents that they are going to proceed with the disciplinary action on the basis of common charge memo dated 26-7-1986. As criminal case against others is ~~binding~~ <sup>pending, they</sup> cannot necessarily proceed ~~with~~ <sup>against</sup> the applicant on the basis of the charge memo dated 26-7-1985. It is not just and proper to consider at this stage as to whether the disciplinary authority will proceed against the applicant if ultimately inquiry is going to be held against the others after the ✓

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criminal case against them is over. Hence we do not wish to express our views in regard to the charge memo dated 26-7-85 so far as the applicant is concerned.

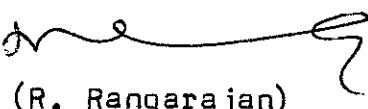
7. The only direction that has to be given in regard to charge memo dated 26-2-1986 is for expeditious disposal of the inquiry in regard to the same.

8. In the result, this OA disposed as under :

The inquiry with reference to charge memo dated 26-2-1986 has to be disposed of expeditiously and preferably by 31-10-1995. The question as to whether the disciplinary authority can proceed with the inquiry with reference to charge memo dated 26-7-85 as far as the applicant is concerned is left open for consideration as and when it arises after the disposal of the criminal case against Sri K.V. Ramana and others referred to.

It is needless to say that the turn of the applicant had already come for consideration for promotion, His case might have been already considered by following the sealed cover procedure, and if it is not so done, the said procedure has to be followed.

9. The OA is ordered accordingly. No costs. /

  
(R. Rangarajan)  
Member (Admn.)

  
(V. Neeladri Rao)  
Vice Chairman

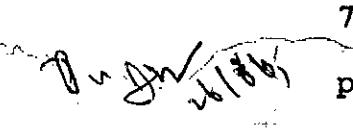
Dated : June 14, 95  
Dictated in Open Court

  
Deputy Registrar (J) CC

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To

1. The Director of Postal Services,  
Hyderabad City Region, Hyderabad.
2. The Sr.Postmaster and the Enquiry Officer,  
Secunderabad Head Office, Secunderabad.
3. The Superintendent of Postal Stores, Depot,  
Hyderabad.
4. One copy to Mr.K.S.R.Anjaneyulu Advocate, CAT.Hyd.
5. One copy to Mr.V.Bhimanna, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

  
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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(ADMN)

DATED. 154/6 - 1995.

ORDER/JUDGMENT:

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

OA. No.

in 244/93

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 Stone copy

