

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

OA/ ~~TA~~ / ~~RA~~ / ~~CP~~ / ~~MA~~ / ~~PT~~ ..... 1318 ..... of 1994

... D. ... Prangarany ..... Applicants (s)

Versus

The Director of Postal Services, ... Respondent (s)  
Hyd & Awar

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*28/8/97*  
Signature of  
Dealing Hand  
(In Record Section)

Certified that the file is complete  
in all respects.

Signature of S.O.

DATE	OFFICE NOTE	ORDERS
<u>23-7-93</u>		<p>G.A., is disposed of as infirmities. No costs. Under separate order</p> <p>L HOBST P HARN M (J) M (A)</p> <p><u>SBS</u></p>

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH.

O.A.No. 1318 OF 1994.

D. Gangaram Applicant (S)  
VERSUS

Director of Postal Service, Huda & Co. Ltd. Respondent (S)

Date	Office Note	Orders
<u>26/10/94</u>		<p>Heard Mr. N.V. Ramana, for the respondents. Issue notice to the respondents before admission directing to file a reply within 3 weeks. List it for admission/final disposal on 21.11.94.</p> <p>HRRN MA,</p> <p>HVNRT VS</p>
<u>29.11.94</u>		<p>List it for FH immediately below admissions on 25-1-95. for reply in the meanwhile.</p> <p>HRRN MA</p> <p>HVNRT VS</p>

NBA  
28/10

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH.

ORIGINAL APPLICATION NO. 1318 OF 1994.

Shri D. Gangaram APPLICANT(S)

VERSUS

Dir. of Postal Services:  
Hyd Regn, Hyd & another  
RESPONDENT(S)

The Application has been submitted to the Tribunal by  
Sri S. Ramakrishna Rao Advocate

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

The Application is in order and may be listed for  
admission on 24/10/94

[Signature]  
Scrutiny Asst.

[Signature]  
Deputy Registrar (Judl.)

11. Have legible copies of the annexure duly attested been filed. *87*
12. Has the Index of documents been filed and pagination done properly. *87*
13. Has the applicant exhausted all available remedies. *87*
14. Has the declaration as required by item No.7 of form I been made. *87*
15. Have required number of envelopes (file size) bearing full address of the respondents been filed. *87*
16. (a) Whether the relief sought for, arise out of single cause of action. *87*  
(b) Whether any interim relief is prayed for. *87*
17. In case an MA for condonation of delay in filed, is it supported by an affidavit of the applicant. *87*
18. Whether this case can be heard by single Bench. *NO*
19. Any other point.
20. Result of the Scrutiny with initial of the scrutiny clerk. *Not filed*

*[Signature]*  
*24/10/94*  
~~Section Officer~~

Deputy Registrar .

Registrar.

4

Dairy No. 2780

Report in the Scrutiny of Application.

Presented by ..... SRK Rao ..... Date of Presentation 18/10/94

Applicant(s)..... G. Gorfaneu .....

Respondent(s)..... Mr. [unclear] Service, [unclear], & another.

Nature of grievance..... *Suspension* .....

No. of applicants.....One..... No. of Respondents.....2.....

CLASSIFICATION.

Subject. dispension (No)

Department. Postal (No)

1. Is the application in the proper form, (Three complete sets in paper books form in two compilations) ✓
2. Whether name, description and addressed of all the parties been furnished in the cause title. ✓
3. (a) Has the application been duly signed, and verified. ✓  
(b) Have the copies been duly signed. ✓  
(c) Have sufficient number of copies of the application been filed. ✓
4. Whether all the necessary parties are impleaded. ✓
5. Whether English translation of documents in a language other than English or Hindi been filed. ✓
6. Is the application in time, (See Section 21) ✓
7. Has the Vakaltnama/Memo of Appearance/authorisation been filed. ✓
8. Is the application maintainable. (U/s 2, 14, 18, or U.R. 8 etc) ✓
9. Is the application accompanied IPO/DD, for Rs.50/- ✓
10. Has the impugned orders Original/duly attested legible copy been filed. ✓

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

I N D E X S H E E T

C.A. No. 1318 OF 1994

CAUSE TITLE D. Gangaram

VERSUS

Director of Postal Services, Andhra Pradesh.

Sl. No.	DESCRIPTION OF DOCUMENTS	PAGE NO.
1.	Original Application	1 to 6
2.	Material Papers	7 to 19
3.	Vakalat	1
4.	Objection Sheet	1
5.	Spare Copies 2 (Two)	
6.	Covers 2. A	

Reply Statement filed by Mr. M. Ramana, Adl. on 20-2-83

Rejoinder filed by S. Rame Krishna Reddy  
Advocate on 31/7/85.

Reg: To direct the Respts. to revoke the <sup>Suspension</sup> suspension of the applicant w.e.f. 7.5.93 (3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1318 of 1994

Between:

D. Gangaram S/o D. Balaram  
Aged about 45 years LSG/Postal Assistant  
(Under Suspension)  
Nizamabad H.O.

AND

1. Director of Postal Services,  
Hyderabad Region  
Hyderabad.
2. Senior Superintendent of Post Offices  
Nizamabad

.. APPLICANT



.. Respondents

CHRONOLOGICAL STATEMENT OF EVENTS:

Sl.No.	Date.	E V E N T S.
1.	7-5-1993	The applicant was placed under suspension by the 2nd respondent
2.	1-7-1993	The applicant was submitted representation to the 1st respondent.
3.	30-3-1993	Even after laps of 3 months the applicant was paid the same subsistence allowances.
4.	12-2-1994	The applicant submitted another representation to 2nd respondent on 12-2-1994 with a copy to 1st respondent to enhance the subsistence allowances for which there was no response.
5.	30-11-1993	The applicant was charged charge Sheet by the 2nd respondent. Since the subsistence allowances of the applicant were not revised even after 3 months of suspension period, the applicant had no other alternative except to approach this Hon'ble Tribunal. Hon'ble Tribunal attention before

Hyderabad,

Date: 26-9-1994.

COUNSEL FOR THE APPLICANT



(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT : HYDERABAD

O.A.No. 1318 of 1994

BETWEEN:

D.Gangaram, S/o D. Balaram  
Aged about 45 years LSG/Postal Assistant  
(Under Suspension)  
Nizamabad H.O.

..Applicant.

AND

1. Director of Postal Services,  
Hyderabad Region  
Hyderabad.
2. Senior Superintendent of Post Offices  
Nizamabad

..Respondent.

I N D E X

Sl.No.	Description of documents relied upon	Page No.	Annexure No.
1.	APPLICATION	1 to 6	I
2.	Memo No.F.5-1/92-93 dt.7-5-93 Issued by Supdt. of Post Offices	7	II
3.	Memo No. F.5-1/92-93 dt.7-7-93 issued by Supdt. of post Offices	8	III
4.	Memo No.F.6-1/92-93, dt.30-8-93 issued by Supdt. of Post Offices Nizamabad	9	IV
5.	Representation dt.12-2-1994 of Superintendent of Post Offices, Nizamabad	10	V
6.	Memo No.F.6-1/92-93 dt.30-11-1993 Enquiry Report	11 to 19	VI

Hyderabad,

Date:

COUNSEL FOR THE APPLICANT.

SIGNATURE OF THE APPLICANT

(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

O.A.No. 1318 of 1994

Between:

D.Gangaram, S/o D.Balaran  
Aged about 45 years LSG/Postal Assistant  
(Under Suspension)  
Nizamabad.H.O.

.. Applicant

A N D

1. Director of Postal Services,  
Hyderabad Region  
Hyderabad.
2. Senior Superintendent of Post Offices  
Nizamabad.

.. Respondents.

DETAILS OF THE APPLICANT:

Address for service of summons/  
notices on the applicant:

: Sanaka Rama Krishna Rao  
B.A., LL.B., P.G.D.C.R.E.,  
Advocate, 1-1-230/9,  
Andhra Bank Lane,  
Chikkadapally, Hyderabad-20.

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

"This application is against the impugned order  
No.F6-1/92-93 dt.7-5-93 of Senior Superintendent  
of Post Offices, Nizamabad Division, Nizamabad  
placing the applicant under suspension."

2. JURISDICTION OF THE TRIBUNAL:

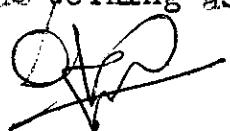
The applicant declares that the subject matter of the  
order against which he the applicant wants redressal is  
within the jurisdiction of the Tribunal under section 14(1)  
(b)(ii) of the Administrative Tribunals Act 1985.

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.

4. FACTS OF THE CASE:

- (1) The applicant humbly submits that he was working as




Sub-Post Master, Dichpalli in Nizamabad Postal Division, Nizamabad District. He is put in about 25 years of service and was discharging his duties with utmost care and devotion. However, to his misfortune the Branch Post Master Suddapalli under Dichpalli Sub Post Office, committed frauds in respect of Money Orders paid at his Branch Office and also an instance of shortage of cash was detected at the branch office during inspection. The applicant submits that he is totally innocent in the matter. Yet he was placed under suspension by the Senior Superintendent of Post Offices, Nizamabad Division vide his memo No.F-5-1/92-93 dt.7-5-1993 (Annexure-I) <sup>P-7</sup> He was also granted the initial subsistence allowance equal to 50% of his pay.

(2) Since the applicant was in no way concerned with the frauds and his suspension was totally unjustified he submitted a representation to the 1st Respondent on 1-7-1993 for which no reply has been received.

(3) The applicant's subsistence allowance was to be reviewed and revised after 3 months of the suspension. On 30-8-1993 the Senior Superintendent of Post Offices issued orders retaining the same rate of subsistence allowance even after 3 months, though the applicant was in no way responsible for prolongation of the suspension (Annexure-III) <sup>P-9</sup>. This order was with effect from 7-8-93 i.e. with retrospective effect which is in violation of the rules. The applicant submitted a representation to the Senior Superintendent of Post Offices Nizamabad on 12-2-1994 with copy to the 1st respondent (Annexure requesting for enhancement of the subsistence allowance for which also there is no reply so far.

(4) The applicant was served with a memo of charges under rule 14 of C.C.S. (CCA) rule 1965 vide Senior Superintendent of Post Offices Nizamabad Memo No.F6-1/92-93 dt.30-11-1993



(annexure-v) As per this charge sheet prima facie, there is no direct involvement of the applicant. But still he is neither being reinstated nor his subsistence allowance being enhanced. The applicant has large family and for no fault of him he is being considered at 50% of his pay and the respondents are not replying to his various representations. Hence this application before this Hon'ble Tribunal.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS.

(1) It is humbly submitted that suspension of the applicant was totally unjustified. The frauds did not take place, ~~therefore~~ <sup>in</sup> the applicant's office but in a subordinate office and if the logic of suspending the Sub post Master for Branch Office frauds is valid, the Sub Divisional Inspector, Head Post Master and the Divisional Superintendent cannot be exempted.

(2) It was held by the Hon'ble Central Administrative Tribunal, Bombay ~~vide~~ <sup>vide</sup> (1993) 23 ATC 702 that suspension for over 6 months in contemplation of Disciplinary action without charge sheet is invalid. The applicant was suspended on 7-5-93 and the charge sheet was issued on 30-11-1993. The failure of the respondents to issue charge sheet within 6 months, renders the suspension invalid.

(3) As per the charge sheet, there are 5 charges. Charge No. 1 relates to ~~the~~ <sup>the</sup> Branch Office. The limit of remittance to be sent to the Branch Office fixed by the Senior Superintendent of Post Offices was Rs. 5000/- Of the 14 cases cited in 5 cases the remittance was more than Rs. 5000/- and the applicant cannot be faulted for handing over the remittance to the Branch Post Master. On any case all the fourteen instances the amount remitted were duly accounted for by the Branch Post Master and even if there is any irregularity in sending the remittance, it can not be ranked up as the charge is not that the Branch Post Master did not account for

the remittances. Charge No.2 relates to keeping cash in excess of the authorised balances. Branch Post Master is competent to retain cash if there is liability and in all the cases, there was liability (i.e. M.Os remaining to be paid.) Charge No.3 relates to non reporting non receipt of Branch Office bags on certain dates. While the applicant asserts that he did report, it is humbly submitted that non reporting has not <sup>resulted</sup> ~~remitted~~ in the frauds committed by the Branch Post Master. Charge No.4 relates to non reporting of an instance of fraud come to the notice of the applicant. There is no proof that a complaint was made to the applicant. In fact, the proper authority to whom the complaint was to be made, was the charge sheet sheeting authority. Charge No.5 relates to payment of two M.Os at the Branch Office. But both the payments are <sup>genuine</sup> ~~genuine~~ and the paye ~~ments~~ would accept payment in any enquiry. The respondents did not say that these payments were not genuine.

It is therefore clear that the charge sheet does not hold the applicant prima facie responsible and so the suspension is unjustified.

(4) The applicant always cooperated with the investigation. In fact as a senior <sup>official</sup> ~~head~~ of the Department he was very much interested in investigation of the frauds committed by the Branch Post Master, Suddapalli. There is not a single instance when the applicant did not cooperate. If he could not be reinstated the principles of natural justice entitle him at least for enhancement of the subsistence allowance.

(5) The respondents have not replied either to the request for ~~reinstatement~~ reinstatement or for enhancement of the subsistence allowance. If they cannot accede to the request they are duty bound to give a speaking order.



6. DETAILS OF THE REMEDIES EXHAUSTED:

The applicant declares that he had availed of all the remedies available to him then under the relevant service rules;

Aggrieved against the suspension of the applicant, he had represented to the 2nd respondent on 1-7-93 requesting to revoke the suspension of the applicant. He had further represented on 12-2-1994 requesting the 2nd respondent to consider enhancement of subsistence allowance to 75%, which was not considered and responded so far. As the ~~respondent's~~ representation has not been disposed of even after 6 months the applicant had no other alternative except to approach to this Hon'ble Tribunal. Hence this application before the Hon'ble Tribunal.

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 to his 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 SOUGHT:

In view of the facts mentioned in para 4 above, the applicant prays for the following relief:

It is respectfully prayed that the Hon'ble Tribunal may be pleased to direct the 2nd Respondent to revoke the Susp of the applicant with effect from 7.5.1993 with all the consequential benefits and be pleased to pass such other and further order or orders as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

*[Handwritten signature]*

9. INTERIM ORDERS IF ANY PRAYED FOR:

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

It is respectfully prayed that the Hon'ble Tribunal may be pleased to direct the respondents to enhance the subsistence allowance of the applicant to 75% of his pay from 7-8-93, pending disposal of the O.A. and be pleased to pass such other orders as deemed fit and proper.

10. NOT APPLICABLE:

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

1. P.O./D.D. No 722659221 222

638775949

2. Date:

18-10-94

3. Fee Rs.50/-

4. Name of the Office of issue: H.C.A. Post Office

5. Name of the Office payable at : G.P.O. Hyderabad.

Rs. 50/- A  
P.O./B.C./D.D./Removal

12. LIST OF ENCLOSURES:

S.No.	Details of the documents:	Annexure	Page.
AS PER INDEX			

VERIFICATION

I, D. Gangaram S/o D. Balaram aged about 45 years LSG/Postal Assistant (Under Suspension) Nizamabad.H.O. 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,

Hyderabad,

Date: 26.9.94

SIGNATURE OF THE APPLICANT

COUNSEL FOR THE APPLICANT

DEPARTMENT OF POSTS :: INDIA

Office of the Sr. Supdt. of Post Offices, Nizamabad Division.  
No. F 5-1/92-93 dated at Nizamabad-3, the 07-5-1993

Whereas a disciplinary proceeding against Sri.D.Gangaram Postal Assistant, Nizamabad HQ is contemplated.

Now therefore, the undersigned in exercise of the powers conferred by Sub Rule (1) of Rule 10 of the Central Civil Services (Classification, control and appeal) Rules, 1965, hereby places the said Sri.D.Gangaram under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force, the Head quarters of Sri.D.Gangaram, Postal Assistant, Nizamabad HQ should be Nizamabad and the said Sri.D.Gangaram shall not leave Headquarters without obtaining the ~~previous~~ permission of the undersigned.

( P. PANDU )

Sr. Supdt. of Post Offices,  
Nizamabad Division - 503 003.

Copy of this-

1. Sri.D.Gangaram, P.A., Nizamabad HQ. Orders regarding subsistence allowance admissible to him during the period of his suspension will issue separately.
2. The Postmaster, Nizamabad HQ for information.
3. Office copy.
4. For the Official.
5. The Punishment register.
6. Spare/office copy.

( P. PANDU )

Sr. Supdt. of Post Offices,  
Nizamabad Division - 503 003.

TC. b



From  
E. S. ARAM,  
LSG/PA U/S.  
MIZANABAD.

To  
The Senior Superintendent of Post Offices,  
MIZANABAD Division.

Sir,

Sub: Revocation of suspension - Regarding.  
Ref: Suspension Memo No.F 5-1/92-93, dt: 7.5.1993.

I was placed under suspension on 7.5.1993 without showing any grounds. In the case against the B.P.M./Suddapalli, there is no involvement of mine. There may be petty departmental irregularities for which suspension is not justified. Further, no charge sheet has been served on me till today. As observed in case Law Chauhan Vs. State of U.P. 1977 AWC 704 it was to be considered if charge sheet could be served along with the order of suspension.

As I am not having any monetary involvement in the case, I request you to kindly issue revocation order for which I will be highly grateful.

Thanking you,

Mizanabad,  
Dt: 10/7/1993.

Yours Faithfully,

Copy to the DPS APNR  
Hrd (C. S. V.)

(9)

13

Office of the Sr. Supdt. or Post Offc., Nizamabad District.

Memo No. F-6-1/92-93 dated at Nizamabad-3 the 26-8-93.

Sr. D. Jangam, Ldg. PA, Nizamabad (under suspension) is allowed to continue to draw subsistence allowance from 7-8-93 until further order at an amount equal to the leave salary which he would have drawn if he had been on leave in half pay and in addition, dearness allowance etc. on the basis of such leave salary.

2. This is in continuation of this office memo of even no. dated 26-5-93.

A copy of this memo is issued to:

1. Sr. D. Jangam, Ldg. PA, Nizamabad (under suspension). He will please furnish the required certificate when making payment.
2. The Postmaster, Nizamabad HQ. The subsistence allowance granted to the official should be drawn and paid at the official. No payment should be made unless the official is furnished a certificate as required by Sub-section 1 of the Hyderabad-1 through the Postmaster, Nizamabad.
3. The (a) (b) Hyderabad-1 through the Postmaster, Nizamabad.
4. Vigilance register.
5. The PA of the official. (Sr. D. Jangam)
6. Office copy.
7. Spare copy.

RECEIVED  
Sr. Supdt. of Police  
Nizamabad District

85 K:

26-8-93

Room.

D. Gangaram.

SA: PA. U/S)

Nizamabad-Ho

(4)

Dab. 12-2-94

14  
10

To

The Sr. Supdt- of Pos.  
Nizamabad. Dm.

Sub: - Enhancement- of  
Subsistence allowance.

Ref: - My representation Dated.  
1-7-93. 22-9-93, and.  
14-12-93.

Respected Sir,

I beg to invite your kind attention to my representations cited above where in I had requested your honour to kindly consider my case very sympathetically on humanitarian grounds and grant me enhanced subsistence allowance. But neither my subsistence allowance has been enhanced nor my reply received from your office. I humbly once again requested your good self to kindly grant me 75% of the subsistence allowance and save me and family from financial hardship for which I act of kindness I shall ever remain highly grateful to you Sir.

Copy to: - The Director of Postal  
Services Hyderabad  
regim for information  
and necessary action

T. G

Yours faithfully

D. G

D. Gangaram

Office of Sr. Supdt. of Post offices, Nizamabad Division-503 003.  
 Memo No F 621/92-93 dated at Nizamabad-3 11-30-11-93

The undersigned proposed to hold an enquiry against Sri/...  
 D. Ganga Rao L.S. P.A. (Under Suspension) Nizamabad...  
 under Rule 25 of P.O. S.D.A.S. (C.S.) Rules, 1964 / Rule-14 of the CCS (CCA) Rules, 1965.

The substance of imputations of misconduct or misbehaviour in r/o which enquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III) and (Annexure-IV).

2. Sri/Smt. D. Ganga Rao is directed to submit a written statement of his defence within 10 days of the receipt of this memo and also to state whether he desires to be heard in person.

3. Sri/Smt. D. Ganga Rao is informed that enquiry will be held only in r/o those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Sri/Smt. D. Ganga Rao is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above or does not appear in person before the enquiring authority or other wise fails or refuses to comply with the provisions of Rule 25 of P.O. S.D.A.S. (C.S.) Rules, 1964 / Rule-14 of CCS (CCA) Rules 1965 or the orders / directions issued in pursuance of the said Rule, the enquiring authority may hold the enquiry against him ex-parte.

5. Attention of Sri/Smt. D. Ganga Rao is invited to Rule 25 of P.O. S.D.A.S. (C.S.) Rules, 1964 / Rule 20 of the CCS (conduct) Rules, 1964 under which no govt. servant should bring attempt to bring any political or outside influence to bear upon any superior authority to further his interest in r/o matters pertaining to his service under the Govt. If any representation is received on his behalf from another person in r/o any matters relating with in these proceedings, it will be presumed that Sri/Smt. Ganga Rao is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule, cited in this para.

6. The receipt of memo, should be acknowledged.

To: Sr. Supdt. of Post offices,  
 Nizamabad Division-503 003.

A copy of this memo is issued to:

1. The vigilance register.
2. The ASP (H) N2B/SDIs (P) Nizamabad.
3. The PF of the official.
4. Spare/office copy.

Sr. Supdt. of Post offices,  
 Nizamabad division-503 003.

(12) 16

ANNEXURE - I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRI D. GANGARAM  
LSG PA (UNDER SUSPENSION) NIZAMABAD HQ.

ARTICLE-I: While working as SPM Dindipalli PS Sri D. Gangaram had shown the following amounts as handed over to Sri V. Bhargava, BPM Suddapalli towards remittance to Suddapalli for the payment of money orders instead of sending through the bank. The amount of money orders that were shown as paid by the PS on 12-10-92, 27-10-92 and 4-11-92 was not received by the payees.

<u>Date</u>	<u>Amount of remittance</u>
03-04-92	5,000-00
28-05-92	13,000-00
26-09-92	3,000-00
29-09-92	7,000-00
12-10-92	5,000-00
13-10-92	5,000-00
14-10-92	5,000-00
20-10-92	7,000-00
21-10-92	10,000-00
22-10-92	5,000-00
31-10-92	700-00
04-11-92	20,000-00
22-12-92	4,500-00

Thus, said Sri D. Gangaram contravened Rule-2636 of P&T manual volume-VI part-III and thereby failed to maintain absolute integrity and devotion to duty as required by Rule 3(1)(i) and 3(1)(ii) of C.C.S conduct rules, 1964.

ARTICLE-II: The said Sri D. Gangaram failed to check the retention of cash in excess of sanctioned balance held by the BPM Suddapalli on the following dates:

Rs. 5,490-00	05-02-92
1,790-00	12-02-92 to 17-02-92
1,700-00	18-02-92 to 29-02-92
5,381-00	30-03-92 to 31-3-92
5,222-00	23-05-92 and 25-05-92
7,695-00	02-06-92 to 06-06-92
6,619-00	09-06-92 to 10-06-92
1,600-00	07-07-92 to 13-07-92
6,326-00	30-09-92 to 01-10-92
2,300-00	10-10-92
4,304-40	16-12-92 to 19-12-92
5,000-00	21-12-92
7,020-00	28-12-92 to 30-12-92
4,000-00	04-01-93 to 06-01-93
4,400-00	07-01-93 to 15-01-93

Sri D. Gangaram contravened Rule-642 and 577 of P&T manual vol VI part-III and thereby failed to maintain absolute integrity and devotion to duty as required by Rule 3(1)(i) and 3(1)(ii) of C.C.S. conduct rules, 1964.

ARTICLE - III: The said Sri D. Gangaram failed to report the non-receipt of due branch office bag containing the daily account of the same date on the following dates.

<u>Due date of receipt of BO bag.</u>	<u>Date on which actually received.</u>
30-06-92	01-07-92
02-07-92 to 04-07-92	06-07-92
08-07-92 and 09-07-92	10-07-92
14-07-92	15-07-92
17-07-92 & 18-07-92	20-07-92
21-07-92	22-07-92
27-07-92, 28-07-92, 29-07-92 and 30-07-92	30-07-92

Sri D. Gangaram failed to comply with Rule 144 ~~xx~~ A and C of P.T. manual volume V and thereby failed to maintain absolute integrity and devotion to duty as required by Rule 3(1)(i) and 3(1)(ii) of C.C.S. conduct rules, 1964.

ARTICLE-IV: The said Sri D. Gangaram failed to report the matter to the SSPOs Nizamabad when Sri Kantam Prakash, S/o. Gangaram, R/o. Amruthapur complained in November '92 non payment of MO No. 1755/ dated 18-11-91 of Nimboliadda for Rs. 1453/- shown as paid on 20-11-91 by the BPM Suddapalli. But, he himself paid Rs. 1400/- to him. Sri Kundeti Balaiah also stated to have represented to the SPM Dichpalli on behalf of payees of MOs about non payment of MOs.

Sri D. Gangaram failed to follow the provisions of Rule 171(3) of P&T manual volume V and thereby failed to maintain absolute integrity and devotion to duty as required by Rule 3(1)(i) and 3(1)(ii) of C.C.S. conduct rules, 1964.

ARTICLE-V: The said Sri D. Gangaram paid MO No. 158/41 dated 20-1-93 for Rs. 2000/- of Kattalaguda and MO No. 158/42 dated 20-1-93 for Rs. 700/- of Kattalaguda payable to Ramma Yellappa, R/o. Amruthapur pertaining to Suddapalli BO, at Dichpalli SO on 6-2-93.

Sri D. Gangaram failed to despatch the MO forms to Suddapalli BO as per Rule-259 of P&T Manual Volume-VI part-I and thereby failed to maintain absolute integrity and devotion to duty as required by Rule 3(1)(i) and 3(1)(ii) of C.C.S. conduct rules, 1964.

*P. Pandu*

(P. PANDU)

Sr. Supdt. of Post Offices,  
Nizamabad Division-503003.

ANNEXURE - II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MIS-BEHAVIOUR IN  
SUPPORT OF THE ARTICLES OF CHARGE FRAMED AGAINST SRI D. GANAGAM,  
LSG PA (UNDER SUSPENSION) NIZAMABAD HO.

ARTICLE-I: While working as SPM Dichpalli RS, Sri D. Gangaram has shown the following amounts as handed over to Sri V. Bhoomagoud, EM BPM Suddapalli BO by taking acquittance in the BO slip towards remittance to Suddapalli BO for payment of money orders instead of sending through the BO bag.

<u>Date</u>	<u>Amount of remittance</u>
03-04-92	5,000-00
28-05-92	13,000-00
26-09-92	3,000-00
29-09-92	7,000-00
12-10-92	5,000-00
13-10-92	5,000-00
14-10-92	5,000-00
20-10-92	7,000-00
21-10-92	10,000-00
22-10-92	5,000-00
31-10-92	700-00
04-11-92	20,000-00
22-12-92	4,500-00

As prescribed in the consolidated memo of authorised balances bearing No. G/Rev-Bal/90 dated 12-1-90 issued by the office of the SSPOs, Nizamabad the cash is to be remitted to Suddapalli BO duly enclosed in the BO bag which is to be conveyed by the EDMC Yanampalli.

The following money orders were shown as paid by the BPM Suddapalli on the dates shown against each on which there was remittance of cash.

<u>MO No.</u>	<u>Date</u>	<u>Office of issue</u>	<u>Amount</u>	<u>Date of payment</u>	<u>Name of Payee</u>
1456/15	8-10-92	Hyderabad race club	2000-00	12-10-92	Boddula Chinn. Oddenna, R/o. Amruthapur.
1456/16	8-10-92	Hyderabad race club	866-00	12-10-92	- do -
1998/4	21-10-92	Dilsuknagar colony	2000-00	27-10-92	Sakkarkonda Narsubai, W/o Sayanna.
1997/20	21-10-92	Dilsuknagar	2000-00	04-11-92	Tukki Yamuna bai, D/o. Bayaiah, R/o. Amruthapur.

Sri Boddula Chinna Oddenna in his statement dated 11-3-93, Smt. Sakkarakonda Narsubai in her statement dated 12-3-93 and Smt. Tukki Yamunabai in her statement dated 12-3-93 given before Sri N.V.L.N. Acharyulu, SDI(P) Nizamabad South denied to have received the amounts of the MOs and also disowned the thumb impressions on the M.O. forms as their own. Sri D. Gangaram admitted to have handed over the remittances to the BPM in his statement dated 11-3-93 given before Sri Shaik Bangagi, ADP(R), Nizamabad.

The said Sri D. Gangaram contravened Rule-636 of P&T manual volume-VI part-III and thereby failed to maintain absolute integrity and devotion to duty as required by Rule 3(1)(i) and 3(1)(ii) of C.C.S. conduct rules, 1964.

ARTICLE-II: The BPM Suddapalli retained cash in excess of sanctioned cash balance of Rs.50/- as mentioned below without any liabilities as per the daily accounts received at Dichpalli RS SO.

Rs. 5,490-00	05-02-92
1,790-00	12-02-92 to 17-02-92
1,700-00	18-02-92 to 29-02-92
5,381-00	30-03-92 to 31-03-92
5,222-00	23-05-92 & 25-05-92
7,695-00	02-06-92 to 06-06-92
6,619-00	09-06-92 to 10-06-92
1,600-00	07-07-92 & 13-07-92
6,326-00	30-09-92 to 01-10-92
2,300-00	10-10-92
4,304-2040	16-12-92 to 19-12-92
5,000-00	21-12-92
7,020-00	28-12-92 to 30-12-92
4,000-00	04-01-93 to 06-01-93
4,400-00	07-01-93 to 15-01-93

The said Sri D. Gangaram failed to check the daily accounts and note the irregularity in the Error Book and report to the SDI(P) and SSPOs, Nizamabad.

Thus the said Sri D. Gangaram contravened Rule-642 and 577 of P&T manual volume-VI part-III and thereby failed to maintain absolute integrity and devotion to duty as required by Rule 3(1)(i) and 3(1)(ii) of C.C.S. conduct rules, 1964.

ARTICLE-III: The BO bags of Suddapalli containing the daily accounts of the following dates were not received on the due date. But they were received subsequently on the dates mentioned against each. Sri D. Gangaram failed to note the non-receipt of BO bag in the error book and report to the SDI(P) and SSPOs, Nizamabad. He has admitted it in his statement dated 11-3-93.

<u>Due date of receipt of BO bag.</u>	<u>Date on which actually received.</u>
30-06-92	01-07-92
02-07-92 to 04-07-92	06-07-92
08-07-92 & 09-07-92	10-07-92
14-07-92	15-07-92
17-07-92 & 18-07-92	20-07-92
21-07-92	22-07-92
27-07-92 & 28-07-92	31-07-92
29-07-92 & 30-07-92 )	



Thus the said Sri D.Gangaram failed to comply with Rule 144 A and G of P&T manual volume V and thereby failed to maintain absolute integrity and devotion to duty as required by Rule 3(1) (i) and 3(1) (ii) of C.C.S. conduct rules, 1964.

**ARTICLE-IV:** MO No.1755/13 dated 18-11-91 of Nimboliadda SO for Rs.1453/- payable to Sri Kamtam Prakash, S/o.Gangaram, R/o.Amruthapur was shown as paid on 20-11-91 by the SPM Suddapalli as per the BO journal and the concerned MO paid voucher. Sri Kamtam Prakash in his statement dated 23-3-93 given before Sri K.Kajali, ASPOS(Inv), o/o PMG(HR), Hyderabad stated that he contacted Sri D.Gangaram 2 or 3 times about the MO. He told him to get the P.F. MO number to find out the disposal. He then got the particulars of MO from the P.F. office at Hyderabad and contacted Sri D.Gangaram again in the month of November '92. Sri D.Gangaram paid him Rs.1400/- in the presence of Sri C.Poshagoud, S/o.Bhoomagoud saying that the MO was wrongly paid by Sri Bhoomagoud BPM Suddapalli

Sri Kundeti Balalaiah, S/o.P.Balalaiah, R/o.Amruthapur in his statement dated 6-3-93 given before Sri Shaik Bandagi, ASP(R), Nizamabad, stated that due to non-receipt of P.F.MOs some Deedl workers alongwith him approached the SPM Dichpalli and showed the particulars of such MOs obtained from P.F. office of Hyderabad. The SPM told them that the MOs were already paid by the BPM Suddapalli whom they should contact. Sri D.Gangaram SPM Dichpalli RS did not report the matter to the SSPOs, Nizamabad and he paid Rs.1400/- himself to Sri Kamtam Prakash.

Thus, the said Sri D.Gangaram failed to follow the provisions of Rule 171(3) of P&T manual volume V and thereby failed to maintain absolute integrity and devotion to duty as required by Rule 3(1) (i) and 3(1) (ii) of C.C.S. conduct rules, 1964.

**ARTICLE-V:** MO No.158/41 dated 20-1-93 for Rs.2000/- and 156/42 dated 20-1-93 for Rs.700/- of Kattalaguda SO payable to Sri Rima Yellappa, R/o. Amruthapur under Suddapalli BO were entered in the register of MOs received on 22-1-93 and shown as sent to Suddapalli. The MOs were not despatched to Suddapalli BO. But Sri D.Gangaram effected payment at Dichpalli RS SO on 6-2-93. Sri Rima Yellappa, S/o.Pentalah in his statement dated 18-3-93 given before Sri Shaik Bandagi ASP(R), Nizamabad stated that he met the BPM Suddapalli and enquired about the MOs, who informed him to come to Dichpalli RS SO for taking payment of the MOs. He attended Dichpalli RS SO on 6-2-93 and took payment.

Thus the said Sri D.Gangaram failed to despatch the MO forms to Suddapalli BO as per Rule-259 of P&T manual volume-VI part-I and thereby failed to maintain absolute integrity and devotion to duty as required by Rule 3(1) (i) and 3(1) (ii) of C.C.S. conduct rules, 1964.

*(Signature)*  
(P.DANDU)

Sr.Suptd. of Post Offices,  
Nizamabad Division-503003.

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI D. GANGARAM, LSGPA (UNDER SUSPENSION) NIZAMABAD HO ARE PROVED TO BE SUSTAINED.

1. B.O. slip from Dichpalli RS to Suddapalli BO dated 3-4-92, 28-5-92, 26-9-92, 29-9-92, 12-10-92, 13-10-92, 14-10-92, 20-10-92, 21-10-92, 22-10-92, 31-10-92, 4-11-92 and 10-12-92.
2. MO paid voucher No. 1456/15 dated 8-10-92 of Hyderabad Race club for Rs. 2000/-.
3. MO paid voucher No. 1456/16 dated 8-10-92 of Hyderabad Race club for Rs. 866/-.
4. MO paid voucher No. 1998/4 dated 21-10-92 of Dilsukhnagar colony for Rs. 2000/-.
5. MO paid voucher No. 1997/20 dated 21-10-92 of Dilsukhnagar colony for Rs. 2000/-.
6. Statement of Sri Boddula Chinna Oddenna dated 12-3-93 given before SDI(P) Nizamabad south.
7. Statement of Smt. Sakkarkonda Narsubai dated 12-3-93 given before SDI(P) Nizamabad south.
8. Statement of Smt. Tukki Yamunabai dated 12-3-93 given before SDI(P) Nizamabad south.
9. Consolidated memo of authorised balances No. G/Rev-Bal/90 dated 12-1-90 of Dichpalli RS SO.
10. Extract of lines and stages of Dichpalli RS to Yamunapalli mail line of D.O., Nizamabad.
11. B.O. daily accounts of Suddapalli dated 5-2-92, 12-2-92, 13-2-92, 14-2-92, 15-2-92, 17-2-92, 18-2-92 to 23-2-92, 24-2-92 to 29-2-92, 30-3-92, 31-3-92, 23-5-92 and 25-5-92, 2-6-92, 3-6-92, 5-6-92, 6-6-92, 9-6-92, 10-6-92, 7-7-92, 13-7-92, 30-9-92, 1-10-92, 10-10-92, 16-12-92 to 19-12-92, 21-12-92, 28-12-92 to 30-12-92, 4-1-93 to 6-1-93, 7-1-93, 11-1-93 to 13-1-93 and 15-1-93.
12. Error Book of Dichpalli RS SO from 25-1-90 to 9-3-93.
13. B.O. daily accounts of Suddapalli dated 30-6-92, 2-7-92 to 4-7-92, 8-7-92, 9-7-92, 14-7-92, 17-7-92, 18-7-92, 21-7-92 and 27-7-92 to 30-7-92.
14. MO paid voucher No. 1755/13 dated 18-11-91 of Nimboliadda for Rs. 1453/-.
15. Suddapalli BO journal from 28-8-91 to 3-2-92.
16. Statement of Sri Kamtam Prakash dated 23-3-93 given before ~~ASP(Inv)~~ ASP(Inv), O/o PMG(HR), Hyderabad.
17. Statement of Sri Kundeti Balalash dated 6-3-93 given before the ASP(R) Nizamabad.

.....

18. MO paid voucher No.158/41 dated 20-1-93 for Rs.2000/- of Kattalaguda.
19. MO paid voucher No.158/42 dated 20-1-93 for Rs.700/-
20. MO-3 for BOs of Dichpalli RS SO from 7-8-92 to 3-3-93.
21. Statement of Sri Ramma Yellaappa dated 18-3-93 given before the ASP(R) Nizamabad.

*P. Pandu*

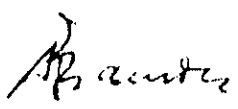
(P. PANDU)  
Sr. Supdt. of Post Offices,  
Nizamabad Division-503003.

(19) (22)

ANNEXURE - IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST  
SRI D. GANGARAM, LSGPA (UNDER SUSPENSION) NIZAMABAD HO IS PROPOSED  
TO BE PROVED.

1. Sri Eoddula Chinna Voddenna, R/o. Amruthapur, Suddapalli BO.
2. Smt. Sakkarakonda Narsubai, W/o. Sayanna, R/o. Amruthapur, Suddapalli BO.
3. Smt. Tukki Yamnabai, D/o. Bagaiah, R/o. Amruthapur, Suddapalli BO.
4. Sri Kantam Prakash, R/o. Amruthapur, Suddapalli BO.
5. Sri C. Poshagoud, S/o. Bhoomagoud, R/o. Amruthapur.
6. Sri Kundeti Balaiah, R/o. Amruthapur.
7. Sri Ramma Yellappa, R/o. Amruthapur.
8. Sri K. Rajalingam, ASP (Inv), O/o. PMG (HR), Hyderabad.
9. Sri Shaik Bandagi, ASP (R) Nizamabad.
10. Sri N. V. L. N. Acharyulu, then SDI (P) Nizamabad south and now ASP (HQrs) Medak.

  
(P. PANDE)  
Sr. Supdt. of Post Offices,  
Nizamabad Division-503003.

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD B. K. L.

24

Date: 20/10/94

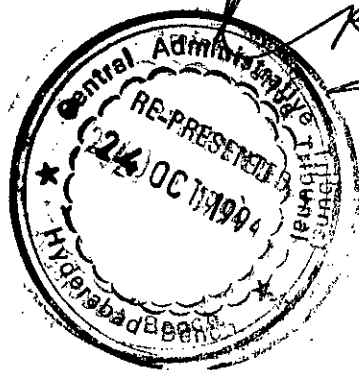
O.A.REGD.No. 2780/94

To: Sri Sraaekrishna Rao, Adv.  
Sir,

I am to request you to rectify the defects mentioned below in your application within 14 days from the date of issue of this letter, failing which your application will not be registered and action Under Rule 5 (4) will follow.

1. ✓ Particulars (S/o) of the applicant to be given.
2. ✓ Key rough for in ~~form~~ & needs revision.
3. ✓ neat & legible copies of material papers to be filed.
4. ✓ ACK-cards duly addressed to Respt to be filed after envelopes.
5. ✓ CF & R 57 & WF stamp of Rst-aw to be affixed on Vakalat

Complied with.



DEPUTY REGISTRAR (JUDL.)

20/10/94

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25

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL; HYDERABAD BRANCH  
AT HYDERABAD

O.A.No. 1318 of 1994.

BETWEEN:

D. Gangaram

... APPLICANT

AND

Director of Postal Services,  
Hyderabad Region, Hyderabad and another

... RESPONDENTS

REPLY AFFIDAVIT FILED ON BEHALF OF RESPONDENTS

I, V.S. Krishnamurthy S/o V. Satyam aged 55 years,

R/o Hyderabad do hereby solemnly affirm and state as follows:

1. I am working as Assistant Director in the office of

Postmaster General Hyderabad Region, Hyderabad as such I am

well acquainted with the facts of the case. I file this

reply affidavit on behalf of the respondents and I am authorised  
to file this affidavit.

2. Brief history of the case is submitted as under:

On receipt of a report from the Sub Postmaster Dichpally  
SG on 26.2.1993 stating that the Branch Postmaster, Suddapally  
had neither returned cash of Rs.18,000/- sent on 28.2.93 nor  
effected payment of MOs, immediate necessary enquiries were  
taken-up by the SPOs, Nizamabad Dn. The enquiries made revealed  
frauds in the payment of provident fund MOs by the BPM, Suddapally  
Branch Office to the extent of Rs.82533.80Ps. The DPS, Hyd.  
Region took up Region Level enquiry from 18.3.93 as the amount  
of frauds exceeded Rs.50,000/-. The Regional Level enquiries made  
revealed that Sri D. Gangaram, Sub Postmaster, Dichpally R.S.  
S.O. the applicant, master minded the method of frauds,  
encouraged the Branch Postmaster, Suddapally to commit the  
frauds in MO payments and utilised the defrauded amounts

  
ATTESTER

*de frauded*  
  
DEPONENT

for his personal gain, along with the BPM, Suddapally. He also tried to coverup the frauds committed by the BPM, Suddapally adopting all methods. He suppressed the fact of some payees complaining to him about non-payment of ~~of~~ MQs by the BPM, Suddapally, from the SPOs, Nizamabad. He was placed under suspension w.e.f. 7-5-93. The competent authority reviewed the payment of subsistence allowance and passed orders on 30.8.93 to continue the payment of subsistence allowance at the same rate. A charge sheet under Rule-14 of the CCS(CCA) Rules, 1965 was issued to him on 30-11-1993. The departmental enquiry is in progress. The present stage of the enquiry is the examination of the prosecution witness. Pending disciplinary proceedings the competent authority has decided to continue<sup>uc</sup> him under suspension.

A police case was also booked against the applicant at Dichpally under crime No.142/93 on 28.3.93 under section of 489 of IPC. The case is under investigation by the police.

3. In reply to para 4 of OA, it is submitted that the Sr.SUPDT. OF POs, Nizamabad(R-2) on receipt of a report from the SPM, Dichpally R.S. S.G. about non payment of MQs and non returning of cash of Rs.18,000/- by the BPM, Suddapally PO on 26.2.1993 made immediate enquiries which revealed frauds in payment of Provident Fund MQs payable to Beedi Workers amounting to Rs.82,533.80 Ps by the BPM, Suddapally. As the amount of fraud exceeded Rs.50,000/-, Regional level enquiries were taken up by the Director of Postal Services, Hyderabad Region from 18.3.1993 which revealed that the applicant had master minded the methods of frauds, encouraged the BPM,

ATTESTER

DEPONENT

Suddapally to commit the frauds, and utilised the defrauded amount for his personal gain, along with the BPM, Suddapally and that the applicant <sup>tried to cover up the frauds by applying</sup> all the possible methods. He was placed under suspension w.e.f. 7.5.93. The competent authority reviewed the payment of subsistence allowance and passed orders on 30.8.93 to continue payment of the subsistence allowance at the same rate. A charge sheet under Rule-14 of the CCS(CCA) Rules, 1965 was issued to him on 30.11.1993. The departmental enquiry is in progress. The present stage is the examination of prosecution witnesses pending disc. proceedings the competent authority has decided to continue the applicant under suspension.

A police case was also booked against the applicant on 28.2.93 under crime No.42/93 under section-409 of IPC at Dichpally police station. The case is under investigation. So the OA is premature and it is liable to be dismissed on this ground.

In para-4.4 the applicant himself has admitted his indirect involvement in the frauds.

4. In reply to para-5.1 of O.A. it is submitted that of provident fund MCs payable to Beedi Leaf workers amounting to Rs.82,533.80 Ps. in collusion with the BPM, Suddapally was established in the Regional level enquiries. He was placed under suspension on 7.5.93. The competent authority reviewed the payment of subsistence allowance on 30.8.93 and passed orders retaining the same rate of payment of subsistence allowance. A charge sheet under Rule-14 of the CCS(CCA) Rules, 1965 was issued to the applicant on 30.11.93. The departmental enquiry is at the stage of examination of prosecution witnesses.

ATTESTER

DEPONENT



5. In reply to para 5.2 of of O.A it is submitted that the Hon'ble Supreme Court in AIR 1990 Sc 1157, G.O.I. Vs. V. Sivaraman had held that

"The order of suspension after a period of six months would not become ~~non est~~ giving an automatic right to reinstatement in service. Where the rules provide for suspending a Civil Servant and require the authority to report the matter to the Government giving out <sup>a</sup> reasons for not contemplating the investigation ~~of~~ enquiry within six months it would be for the Government to review the case but it does not mean that the suspension beyond six months becomes automatically invalid ~~of non est~~. The only duty ~~enjoyed~~ by such a rule is that the officer who made the order of suspension must make a report to the Government and it would be for the Government to review the facts and circumstances of the case to make <sup>a proper</sup> ~~a~~ order, <sup>It is open to the Court to make an</sup> revoking the order of suspension of further continuing the suspension. The order of suspension however continues until it is revoked in accordance with the law".

This Hon'ble Tribunal while disposing of the OA 963/93, quoted the above observation of the Hon'ble Supreme Court, in its judgement dt 25.4.94 and dismissed the O.A filed for revoking the suspension of the applicant therein.

The competent authority i.e. R-2 has been sending periodical reports to R-1 on the desirability of the continued suspension of the applicant. A charge sheet under Rule-14 of CCS(CCA) Rules, 1965, was also issued on 30.11.1993.

  
ATTESTER

  
DEPONENT

Returned Reply Statement SR 158/95

1. Reply Statement may be presented along with Memo of appearance.

In the C.A.T  
Hyd Bench

14 days time

or  
20/2/95  
for files

Complied with  
Memo of Appearance  
has already been  
filed on 20.2.95

OA 1318/94

8/2  
P. N.V. Ramana  
Adm.

Reply Statement




Received Copy  
K. S. Lakshmi  
20/2/95  
Adm.

Filed by:—  
N.V. Ramana  
Adm. E  
May be filed  
or  
8/3/95

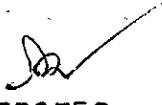
6. In reply to para 5.3 of OA it is submitted that the articles of charge framed against the applicant are being enquired in to a departmental enquiry under Rule-14 of the CCS(CCA) Rules, 1965. Therefore no comments could be offered.

In view of the above submissions there are no merits in the O.A and it is liable to dismiss. Hence the Hon'ble Tribunal may be pleased to dismiss the O.A.

  
DEPONENT  
Assistant Director of Postal Services  
O/o. The Postmaster-General,  
Hyderabad Region, Hyderabad-500 001

Solemnly affirm and state that  
the above contents are true and  
signed his name on this 17<sup>th</sup> day  
of February 1995 before me

BEFORE ME

  
ATTESTER  
Assistant Director of Postal Services  
Hyderabad Region, Hyderabad-500 001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

O.A.No. 1318 of 1994

Between:

D. Gangaram,  
S/o Sayanna,  
aged about 43 years,  
Sub-Postmaster,  
Dichpalli (under suspensio  
Nizamabad Postal Division.

..Applicant

A N D

1. The Director of Postal Services,  
Hyderabad Region,  
Hyderabad.
2. The Senior Superintendent  
of Post Offices,  
Nizamabad.

..Respondents

REJOINDER FILED BY THE APPLICANT FOR THE COUNTER AFFIDAVIT  
FILED BY THE RESPONDENTS

I, D. Gangaram, S/o Sayanna, aged about 43 years,  
Sub-Postmaster, Dichpalli (under suspension) in Nizamabad  
Postal Division, do hereby Solemnly affirm and state  
on oath as follows:

1. That I am the applicant in the above OA and therefore,  
well acquainted with the facts of the case.

2. That I have gone through the counter affidavit  
filed by the respondents and submit as follows:

(a) In reply to para 2 of the counter affidavit, it is  
respectfully submitted that as admitted therein, the  
frauds were actually reported by me and had I been an  
accomplice, I would not have reported the matter at all.  
The averment that I masterminded the method of fraud is  
far fetched and is inconceivable as I myself reported  
the fraud as admitted by the respondents. Even in the  
chargesheet issued to me, there is no allegation of  
personal gain, but only a few instances of departmental

irregularities. I have not suppressed any facts of complaints. In the Department of Posts, complaints are to be filed giving particulars of the MOs and in the absence of which a Sub-Postmaster can do nothing with regard to a complaint. Further the respondents do not say in which case, the complaint was suppressed. I was placed under suspension on 7.5.1993 and as such the revision was due from 7.8.93. As per OM No.15 (16)-E IV/58 dated 15.2.59, the review of subsistence allowance has to be done in sufficient time before the expiry of the first three months. In my case, admittedly, the revision was done only 30.8.1993 instead of well before 7.8.1993. It is further submitted that the only point to be considered in such review is whether the reasons for prolongation of the suspension can be attributed to the suspended official and not the gravity of the allegations. In my case, I had been fully cooperating with the investigation and there is no allegation that the investigation was delayed due to the reasons attributable to me. Therefore, the order not to alter the subsistence allowance in my favour even after three months of suspension when the suspension had to be continued only for the fault of the Respondents is illegal. The Respondents says that I was chargesheeted on 30.11.93. I was suspended on 7.5.1993 for contemplated disciplinary action and as the chargesheet was not served before 7.11.1993, the suspension should have been revoked on 7.11.1993 as observed by the Hon'ble CAT, Bombay vide (1993) 23 ATC 702. The present stage of the enquiry is irrelevant and the Respondents are answerable as to why I was not chargesheeted before 7.11.1993 and as to why my subsistence allowance was not enhanced by 50% when

*[Signature]*

the delay is totally attributable to them. Filing a police case against me is also irrelevant in the present case, as I was not suspended for pending criminal case.

(b) In reply to para 3 of the counter, it is humbly submitted that the allegation that I masterminded the frauds, encouraged the Branch Postmaster etc, is totally false. In fact it was I, who reported the fraud to the Senior Superintendent of Post Offices. Further the contention of the Respondents that I utilised the defrauded amount for my personal gain is premature and shows the closed mind of the Respondents as the charge sheet is still pending. Passing an order about the subsistence allowance on 30.8.93 is not the point to be considered but the point is as to why the review was not made before 7.8.1993 and why subsistence was not enhanced when the Respondents themselves were responsible for prolonging the suspension. Pendency of the criminal case is not relevant as I was not suspended for pending criminal cases. I have never admitted my direct or indirect involvement in the fraud case.

(c) That with regard to para 4 of the counter, it is humbly submitted that the paying official was the Branch Postmaster and not myself. The tenor of the submission in para 4 is suggestive that I was the offender and I committed the offence in collusion with the Branch Postmaster. In all the cases, where frauds were committed the Branch Postmaster was the paying official and I had no means to check his work as I was a stationery officer expected to be guided by the Accounts rendered by the Branch Postmaster.

*[Signature]*

:: 4 ::

In all the cases, where frauds are alleged, I had remitted the cash, the Branch Postmaster acknowledged it and showed the MOs as paid and the moment I got doubt about the conduct of the Branch Postmaster, I reported the matter to the Senior Supdt. of Post Offices, Nizamabad as he himself admits. The pendency of the charge sheet and stage of inquiry are irrelevant since no charge sheet was issued within six months of suspension and I was not responsible for the delay.

(d) That with regard to para 5 the case law AIR 1990 SC 1157 cited by the Respondents is too irrelevant. I never submitted that the suspension is non-est after six months but only submitted before the Hon'ble Tribunal that continuation of suspension after six months without issuing charge sheet and non-enhancement of subsistence allowance, while the suspension is continuing beyond 3 months for the fault of the respondents is untenable.

It is humbly submitted that the Respondents have side tracked the main issue of continuation of suspension without issuing a charge sheet after 7.11.93 and not enhancement of subsistence allowance after 7.8.93 and I filed this Humble application before this



IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL : HYDERABAD BENCH :  
AT HYDERABAD

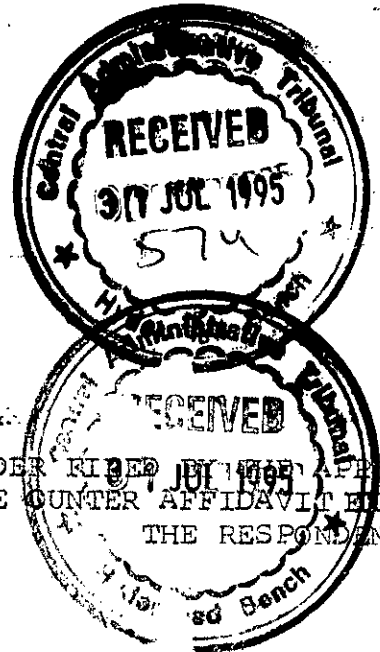
O.A.No. 1318 of 1994

Between:

D.Gangaram ..Applicant

A N D

The Director of  
Postal Services  
and another. ..Respondents



REJOINDER FILED BY THE APPLICANT  
FOR THE COUNTER AFFIDAVIT FILED BY  
THE RESPONDENTS

Filed for: The applicant

Filed on: 27.7.95

Filed by:

Sanka Ramakrishna Rao, Advocate,  
1-1-230/9, AndhraBank Lane,  
Chikkadapally, Hyderabad.

may be filed  
at  
31/7/95

COUNSEL FOR APPLICANT



Hon'ble Tribunal not against the pending enquiry but against the failure of the respondents to follow the provisions of the SRs and the various Courts regarding regulation of the period of suspension and the gravity of the charge against me not being within the perview of the present application before this Hon'ble Tribunal, has to be ignored while deciding my present case.

I, therefore, humbly pray that this Hon'ble Tribunal may be pleased to allow my application with costs and be pleased to pass such other and further order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

Sworn and signed on this  
the 27th day of July, 1995  
at Hyderabad.



DEPONENT

5  
BEFORE ME

G. Bhame Murthy  
Advocate

COUNSEL FOR THE APPLICANT

II COURT

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD  
R.A./M.A/C.A.No.

ORIGINAL APPLICATION NO. 1318/94 Old petn.

CERTIFICATE

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

Counter Signed.

Court Officer/Section Officer.

YLKR

Signature of the Dealing Asst.

\* \* \* \*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD

..

O.A.No.1318/94.

- - - - -

Date of decision: 23--7--1997.

- - - - -

Between:

D.Gangaram .. .. Applicant

and

1. Director of Postal Services,  
Hyderabad Region, Hyderabad.

2. Senior Superintendent of Post  
Offices,  
Nizamabad. .. Respondents.

Counsel for the applicant: Sri S.Ramakrishna Rao.

Counsel for the respondents: Sri V.Rajeswara Rao for N.V.Ramana.

CORAM:

HON'BLE SHRI R. RANGARAJAN, Member (A)

Hon'ble Shri B.S. JAI PARAMESHWAR, Member (J)

JUDGMENT.

(by Hon'ble Shri R. Rangarajan, Member (A).

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Heard Sri S.Ramakrishna Rao for the applicant  
and Sri V.Rajeswara Rao for Sri V.Ramana for the res-  
pondents.


This O.A., is filed praying for a direction to  
the 2nd respondent to revoke the suspension of the applicant  
with effect from 7--5--1993 with all consequential  
benefits.

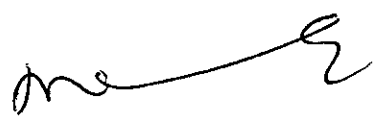
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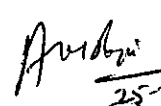
Today a Memo No. ST/21-3/20/96 dated 27-11-1996 was produced by the learned counsel for the respondents. From this order, it is evident that the applicant has been reinstated <sup>-to</sup> in service after the completion of the enquiry procedure with certain punishment other than removal, dismissal or compulsory retirement.

In view of the above, no further orders are necessary in this O.A. Hence this O.A., is disposed of as infructuous. No costs.

  
B.S. JAI PARAMESHWAR,  
23.7.97 MEMBER (J)

  
R. RANGARAJAN,  
MEMBER (A)

Date: 23--7--1997.  
-----  
Dictated in open court.

  
D.R. (J)

23/7/97

(6)

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: M  
(J)

DATED: 23/7/97

ORDER/JUDGEMENT

M.A./R.A/C.A. NO.

in  
D.A. NO. 1318/94

Admitted and Interim directions  
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

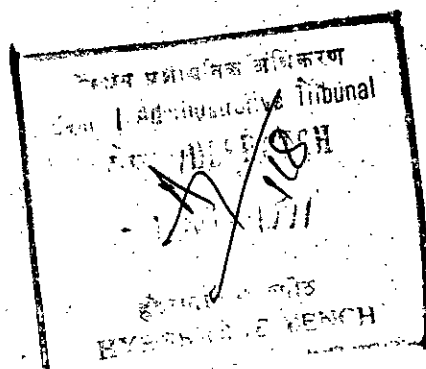
Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.



..3..

## Copy to:

1. The Director of Postal Services, Hyderabad Region, Hyderabad.
2. Senior Supdt. of Post Offices, Nizamabad.
3. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr.V.Rajeswara Rao, Addl.CGSC for Mr.N.V.Ramana.
5. One copy to D.R(A), CAT, Hyderabad.
6. One duplicate copy.

YLKR

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23/7/92

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COMPARED BY

CHECKED BY  
APPROVED BY

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HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: M  
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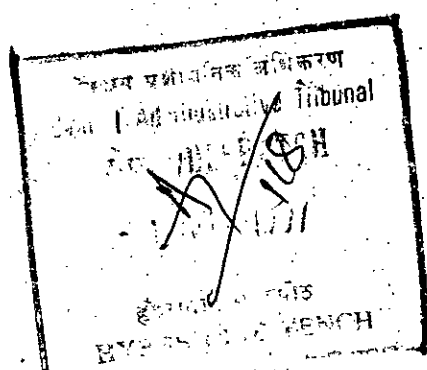
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No order as to costs.

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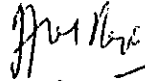




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प्रमाणित प्रति  
CERTIFIED TO BE TRUE COPY

  
न्यायालय अधिकारी  
COURT OFFICER  
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद शाखा  
HYDERABAD BENCH

किस दिनांक	28/11/96
CASE NUMBER	21-3/20/96
निर्णय का तारीख	28/11/96
Date of Judgement	28/11/96
प्रति तय्यार किया गया दिन	28/11/96
Copy Made Ready on	28/11/96
अनुभाग अधिकारी (न्य. वि.) Section Officer (J)	

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD

..

O.A.No.1318/94.  
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Date of decision: 23--7--1997.  
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Between:

D.Gangaram

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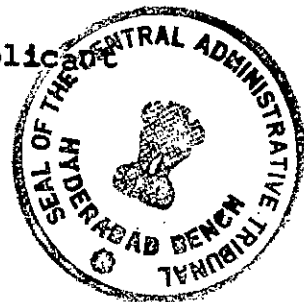
Applicant

and

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2. Senior Superintendent of Post  
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.. Respondents.



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