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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1221/99.

DT. Of Decision : 18-10-99.

K.B.Prasad

.. Applicant.

Vs

1. The Postmaster General,
Hyderabad Region,
Hyderabad.
2. The Superintendent of Post Offices,
Suryapet Division, Suryapet.
3. Sri K.Biksham,
Asst. Superintendent of Post Offices,
(HQ) Inquiry Officer, Divisional Office,
Suryapet. .. Respondents.

Counsel for the Applicant : Mr.S.Ramakrishna Rao.

Counsel for the Respondents : Mrs.P.Madhavi Devi. Addl.CGSC.

CORAM:-

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

ORDER

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.))

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.M.C.Jacob for Mrs.P.Madhavi Devi, learned counsel for the respondents.

2. The applicant was working as EDBPM, Balaji Nagar B.O. a/w Kodad in Suryapet Division. On 26-02-99 the Sub-Divisional Inspector (Posts), Huzur Nagar Sub-Division placed the applicant under put off duty pending the disciplinary action against him. The action of the Sub-Divisional Inspector (Posts) was ratified by the Respondent No.2 vide his memo No.PF Balajinagar dated 9-3-99. Against the said memo dated 9-3-99 the applicant represented that an amount of Rs.1647.65 ps was not actually short but was withdrawn by one Smt.M.Sulochana Rani, account holder of RD A/c No.34204 on 26-2-99.

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that the withdrawal slip was missing in the office when the Sub-Divisional Inspector (Posts) inspected the post office, and that he had made necessary debit entries in the RD account pass book.

3. However, the Respondent No.2 issued a charge memo in No.F6-2 98-99 dated 15-06-99. The applicant submits that he had sent an explanation dated 29-06-99.

4. It is stated that Sub-Divisional Inspector (Posts) had recorded the statement of Smt.M.Sulochana Rani during the preliminary inquiry and had also seized the RD account pass book from her.

5. Hence the applicant made a representation to include the RD A/c Pass Book and the name of Smt.M.Sulochana Rani, in the annexures to the charge memo dated 15-06-99. The Respondent No.3 is the inquiry officer. The Respondent No.3 in his daily order sheet dated 22-07-99 in the inquiry No.28/1999-2000 turned down the request of the applicant.

6. At that stage, the applicant approached this Tribunal in OA.1147/99 which was decided on 6-8-99 directing the applicant to submit a representation to the Respondent No.2 in that behalf.

7. The applicant had earlier submitted a representation dated 27-07-99 to the Respondent No.2. The Respondent No.2 rejected the representation dated 27-07-99 by the impugned order dated 13-08-99, observing that there was nothing to interfere at that stage and that the inquiry officer was competent to decide the additional documents.

8. Being aggrieved against the order dated 13-08-99 the applicant has filed this OA praying to set aside the order dated 13-08-99 passed by the R-2 and proceedings No.INQ-28/99-2000 (Daily order sheet No.2) dated 22-07-99 of R-3, rejecting the request of the applicant to include the vital documents viz., RD Pass Book No.34204 and the said account holder as witness in the inquiry being held to enable him to defend his case in the inquiry and declaring the same as illegal, arbitrary, unwarranted and to set aside the inquiry proposed in pursuance to the Charge Memo No.F6-2/98-99 dated 15-06-99 without including the primary witness and the relevant documents to the charges framed against the applicant as illegal and unwarranted.

DR

9. The respondents have filed their detailed reply.

10. The only point for our consideration is whether the disciplinary authority is required to examine Smt. M.Sulochana Rani, Account holder to substantiate the charges levelled against the applicant. In fact the applicant submits that it is for the disciplinary authority to substantiate the charges levelled against the applicant to examine Smt.M.Sulochana Rani, Account holder.

11. The case of the applicant is that Smt. M.Sulochana Rani, Account Holder of the RD Pass Book had withdrawn the said amount on 26-2-99 and that withdrawal voucher was missing on that date when the Sub-Divisional Inspector inspected the office. The disciplinary authority may consider the request of the applicant to include in the Annexures to the charge memo dated 15-06-99 the RD account No.34204 and the account holder and send a suitable reply to the applicant.

12. If the disciplinary authority feels that it can substantiate the charges levelled against the applicant without including the RD account No.34204 and the name of the account holder as a material witness/document in the annexures to the charge memo dated 15-06-99 to substantiate the charges then the applicant may submit a representation to the inquiry officer to examine the account holder in support of his defence.

13. In such an event the applicant may be permitted to examine the said witness Smt.M.Sulochana Rani in support of his defence.

14. The disciplinary authority shall inform the applicant suitably before finalising the inquiry.

15. With the above direction the OA is disposed of at the admission stage itself.
No order as to costs.


 (B.S. JAI PARAMESHWAR)
 MEMBER(JUDL.)


 (R. RANGARAJAN)
 MEMBER(ADMN.)

Dated : The 18th October, 1999.
 (Dictated in the Open Court)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

1ST AND 2ND COURT

COPY TO :-

1. BOHNO
2. HRRN M (A)
3. BBSJP M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY
✓/99

THE HON'BLE MR. JUSTICE D.H.NASIR

VICE CHAIRMAN

THE HON'BLE MR. R.RANGARAJAN :
MEMBER (ADMN.)

THE HON'BLE MR. S.S.DAI PARAMESWAR :
MEMBER (JUDL.)

* * *

DATE OF ORDER: 18/10/99

MA/RAY/EP.NO.

in

DA. NO. 1221/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS

8 copies

