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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A. 1272/99

Date: 26.4.2000

E. Prabhakar

.. Applicant

A N D

1. Supdt. of Post Offices,
Warangal Division,
Warangal.

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

.. Respondents

Counsel for the applicant : Mr.N.Veerabhadraiah

Counsel for the respondents : Mr.V.Bhimanna

Coram:

Hon. Shri R. Rangarajan, Member (A)

Hon. Shri B.S. Jai Parameshwar, Member (J)

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(Per Hon. Shri B.S. Jai Parameshwar, Member(J))

Heard. Sri. Sashy and Sri. Bhinnama
~~None on either side. We are deciding this~~
~~leaves counsel for the Petitioner.~~
~~application in accordance with Rule 15(1) of the EAT~~
~~(Procedure) Rules, 1987.~~

2. During the year 1998-99 the applicant was working as SB Postal Asstt. at Narsampet post office. While working as such it is alleged that the applicant had committed certain financial irregularities in SB and RD accounts.

3. Hence the Superintendent of Post Offices i.e. the Respondent No.1 by his proceedings No.F4-2/98-99 dt. 14-1-99 (Annexure A-5, page 12) placed the applicant under suspension pending disciplinary action against him. In the said order of suspension it is mentioned that the Headquarters of the applicant is Narsampet and that the applicant should remain at the Headquarters.

4. It is the grievance of the applicant that he was not paid salary for the period from 1-9-98 to 15-9-98; that the bonus for the year 97-98 was not paid; that his request for withdrawal of Rs.1600/- from GPF has not been ~~considered~~ ^{that} refund of tuition fees for his school going children for the years 97-98 and 98-99 have not been sanctioned and ^{that} his request for LTC advance to visit Nagapatnam has not been paid.

He further alleges that his subsistence allowance has not been paid for the months of June'99 and July'99 and the same has not been varied or revised after expiry of three months from 14-1-99. It appears that the wife of the applicant is dead and his school going children are at Warangal. The applicant appears to have made a representation dt. 25-1-99 (Annexure A-6 page 13) to the respondent No.1 to permit him to stay at Warangal instead of at Narsampet.

5. The respondent no.1 considered his request and by his proceedings of even no. dt. 7-5-99 (Annexure A-14 page 31) did not consider the request of the applicant for change of HQ.

6. Hence the applicant has filed this OA challenging^{APS} the impugned letter dt. 7-5-99 (Annexure A-14 page 31) and for a direction to the respondents to settle his ^{dues} from the department detailed above.

7. The respondents have filed a reply. It is stated that the applicant while working as SBPA Narsampet SO had committed a major SB/RD frauds involving Rs.1,71,672.60 in 23 SB and 72 RD accounts by not crediting the deposits made by the depositors and withdrawing the amount by forging the depositors' signatures. The applicant was unauthorisedly absent from duty from 11-9-98 and the fraud came to light on 16-9-98. They submit that the matter was reported to the Police, Narsampet on 6-10-98 and a

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case was registered in Cr.No.148/98 under section 409 and 402 of the IPC. The applicant had obtained anticipatory bail by surrendering before District Munisiff Magistrate Court on 28-10-98. As the applicant was involved in major fraud cases he was placed under suspension and a chargesheet dt. 26-4-99 (Annexure A-13 page 21) has been issued. The disciplinary proceeding is in progress. The applicant had deposited Rs.20,000/- to the department however he has to make good still larger portion of the government funds.

8. As regards change of his HQ from Narsampet to Warangal it is submitted that the applicant had not made any request for transfer from Narsampet to Warangal at any time before he was placed under suspension. His request for change of HQ was rejected as ^{the} disciplinary proceedings were pending and a criminal case was pending in the Court at Narsampet. The applicant unauthorisedly remained absent from 11-9-98. Later he submitted an application for grant of leave. His explanation was sought for unauthorised absence. The same returned unserved as the addressee was absent. Since the period of unauthorised absence has not been regularised pay and allowances for the period from 1-9-98 to 15-9-98 have not ^{been} dispersed to the applicant.

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9. As regards withdrawal of Rs.1,600/- from GPF account he was directed to submit the statements in respect of remaining 10RD and 4 PRS schedules and then only his representation ~~Would~~ be considered. But the applicant failed to attend the enquiry and give the statements. The applicant was granted LTC advance of Rs.2100/- and paid to him on 29-5-99.

10. The subsistence allowance for the months of June'99 and July'99 were drawn and remitted to the applicant by service MO but the MO was received back "~~unclaimed~~ returned to remitter". At present the applicant is being paid subsistence allowance @ 50% of his pay and hence the question of enhancing his subsistence allowance to 50% as sought by him does not arise.

11. From the material available on record it is clear that the applicant has been placed under suspension on account of certain disciplinary proceedings.

12. The HQ of the applicant is Narsampet. It appears that he wants to change his HQ from Narsampet to Warangal. The respondent no.1 considered his request and rejected the same on the ground that the disciplinary proceedings are being held at Narsampet and the criminal case is also pending at ~~Narsampet~~.

13. The applicant submits that his wife expired in the year 1998 and there ~~is~~ none in the family to look after his school going children, and therefore he

✓ requested for change of HQ . Death of wife may not be a ground for change of HQ. His wife expired long prior to placing the applicant under suspension. The applicant if really desirous of shifting himself to Warangal may submit a detailed representation to the respondent no.1 for change of HQ. The applicant relies upon the Govt. of India Ministry of Home Affairs OM No. 39/5/56-Est.(A) dt. 8-9-1956. The respondent no.1 may consider the request of the applicant for change of HQ in accordance with the instructions contained therein.

14. AS regards payment of salary, bonus and other dues it is made clear by the respondent authorities that applicant has to furnish statements and schedules. Unless applicant ^{furnishes} ~~provides~~ those necessary documents it may not be possible for them to draw the pay for the period from 1-9-98 to 15-9-98. Further the period of unauthorised absence after 11-9-98 is yet to be regularised. The applicant may submit a detailed representation for regularisation of his unauthorised absence.

15. The applicant was placed under suspension w.e.f. 14-1-99. He is still under suspension. The enquiry is going on. As per Govt. of India, Min. of Home affairs, Dept. of Personnel and AR, OM No. 16012/1/79-LU dt. 23-8-1979 a review of the subsistence allowance has to be made at the end of three months from the date of suspension instead of the present practice of

varying the subsistence allowance after 6 months. It is further stated in the said OM that the said exercise will also give an opportunity to the concerned authorities to review not merely the subsistence allowance but also the substantive question of suspension. It appears that the respondent no.1 has not reviewed the case of the applicant after 14-4-99. The respondent no.1 must review the position immediately after the expiry of 3 months from the date of suspension i.e. 14-1-99.

16. Considering the material available on record the following directions are issued :


(a) The applicant may, if so advised, submit a detailed representation to the respondent no.1 justifying his reasons for change of HQ from Narsampet to Warangal. He shall submit a representation to respondent No.1 within 15 days from the date of receipt of a copy of this order. If such a representation is received the respondent no.1 shall consider the representation in accordance with the OM dt. 8-9-56 referred to above and furnish a suitable reply to the applicant.

(b) The respondent no.1 shall review the suspension w.e.f. 14-4-99. He is also required to follow the instructions contained in Dept. of Personnel and AR OM dt. 23-8-1979.




(c) As regards the salary and other dues the applicant is directed to ~~apply~~ comply with the directions given by respondent no.1. On such compliance the respondent shall ~~disburse~~ disburse the dues to the applicant as expeditiously as possible.

(d) With the above direction the OA is disposed of with no order as to costs.


(B.S. JAI PARAMESHWAR)
Member (J)
26.4.00

MD


(R. RANGARAJAN)
Member (A)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

COPY TO:

1. HDHNJ
2. HRRN(ADMN) MEMBER
3. HBSJP(JUDL)MEMBER
4. D.R. (ADMN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE-CHAIRMAN

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

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

DATE OF ORDER

26/4/00

MA/RA/CP.NO.
IN
DA.NO.

1272/00

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

(2 copies)

केंद्रिय प्रशासनिक न्यायालय Central Administrative Tribunal हैदराबाद बेंच HYDERABAD BENCH
58 MAY 2000
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