

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

O.A. No. 34 / 1999 199  
T/A. No.

DATE OF DECISION 01-11-2002

RAMAVITAR YADAV Petitioner/Applicant.

Mr. C.B. Sharma Advocate for the Petitioner (s)

Versus

UOI & Ors. Respondent

Mr. B.N. Sandu Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. Justice G.L. Gupta,  
Vice Chairman

The Hon'ble Mr. Gopal Singh, Adm. Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(Gopal Singh)  
Administrative Member

May kindly see.  
S/Br/10 (G.L.Gupta)  
Vice Chairman

Hon'ble V/S

Gupta

In the Central Administrative Tribunal  
Jaipur Bench, Jaipur

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Date of Order : 1.11.02

Original Application No. 34/1999

Ramavtar Yadav S/o Shri Sultan Ram Yadav,  
aged about 37 years, Resident of Village  
& Post Mankari Via Maonda R.S. District-  
Sikar, Ex. E.D.B.P.M. (Dismissed from  
service), Mankari E.D.B.O. (Maonda R. S.)  
District Sikar.

..... Applicant.

Versus

1. Union of India, through Secretary  
to the Government of India,  
Ministry of Communications,  
Department of Posts, New Delhi-001.
2. Post Master General Rajasthan Western  
Region, Jodhpur - 342 001.
3. Director Postal Services Rajasthan  
Western Region, Jodhpur - 342 001.
4. Superintendent of Post Offices,  
Sikar Postal Division, Sikar.

..... Respondents.

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C O R A M :

Hon'ble Mr. Justice G.L. Gupta, Vice Chairman  
Hon'ble Mr. Gopal Singh, Administrative Member

.....  
Gopal Singh

Mr. C.B. Sharma, present  
Mr. B.N. Sandu, present

For the applicant.  
For the respondents.

ORDER

Per Mr. Gopal Singh, Administrative Member :

In this Application under Section 19 of the Administrative Tribunals Act, 1985, applicant, Ramavtar Yadav, has prayed for quashing the impugned order dated 15.1.98 (Annex.A/1), 29.8.97 (Annex. A/2), 10.04.97 (Annex. A/3), 26.07.97 (Annex. A/7) and further for a direction to the respondents to reinstate the applicant on the post of Extra Departmental Branch Post Master (E.D.B.P.M.), Mankari E.D.B.O., with continuity of service and all consequential benefits, and further, not to select any person in place of the applicant till the decision of this Original Application.

2. Applicant's case is that he was initially appointed on the post of E.D.B.P.M., Mankari E.D.B.O., on 15.05.92. The applicant was placed on put off duty with effect from 25.01.97 on account of non-accounting of the amount of depositors in their respective Recurring Deposit Accounts. A preliminary inquiry was conducted and statement of applicant was also recorded. Consequently, he was served with a Chargesheet vide Memorandum dated 10.04.1997 (Annex.A/3). On conclusion of departmental

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inquiry, a penalty of dismissal from service, was imposed upon the applicant vide Disciplinary Authority order dated 29.8.97 (Annex.A/2). The appeal filed against the order of the Disciplinary Authority was rejected by the Appellate Authority vide his order dated 15.01.98 (Annex.A/1).

Feeling aggrieved, the applicant has filed this Original Application on various grounds as (i) that the respondents appointed an Inquiry Officer and the Presenting Officer without waiting for the reply from the applicant; (ii) both, the Inquiry Officer and the Presenting Officer, were direct subordinates to the Disciplinary Authority which is against the Rules ; (iii) the applicant was supplied only 8 out of the 18 listed documents. The remaining documents were never supplied to him. Thus, the Inquiry Officer acted against the rules and the principles of natural justice; (iv) the Inquiry Officer submitted his report on the basis of the written briefs submitted by the Presenting Officer and the statements of the applicant given during the course of preliminary inquiry; (v) the Inquiry Officer also did not follow the mandatory provisions laid down in Rule 14 (18) of the CCS (CCA) Rules, 1965, by not questioning the applicant on the circumstances appearing against him in the evidence and (vi) the Disciplinary Authority and the Appellate Authority did not apply their mind while imposing the punishment and rejecting the appeal. It has, therefore, been prayed by the applicant that the departmental proceedings be quashed with all consequential benefits.

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3. In the counter, the respondents have denied the contentions of the applicant. It is pointed-out by the respondents that the inquiry was conducted in an impartial manner free from bias and there were no infirmities. The applicant was also given adequate opportunity to present his case. All the relevant documents were made available to the applicant and he never demanded any further document. In regard to non-observance of Rule 14 (18) of the CCS (CCA) Rules, 1965, it is pointed-out by the respondents that as per the Ordersheet of the inquiry, the applicant did not present himself for examination and, therefore, could not be examined by the Inquiry Officer and, therefore, fault lies with the applicant though, he filed written arguments. It is also pointed out that the Disciplinary Authority and the Appellate Authority had, after examining the entire case, passed their orders. In these circumstances, it has been averred by the respondents that there is no infirmity or illegality in the conduct of departmental inquiry and, therefore, the application is liable to be dismissed.

4. We have heard the learned counsel for the parties and perused record of the case.

5. The learned counsel for applicant had strenuously argued that the mandatory provisions of Sub-Rule 18 of Rule 14 of the CCS (CCA) Rules, have not been followed by the Inquiry Officer and this has vitiated the entire departmental proceedings. There is no doubt that the applicant was associated with the inquiry proceedings at

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all the stages. It is also seen from the Daily Order-sheet dated 18.06.97 placed at Annex, A/B that the delinquent official did not present himself for examination and, therefore, he could not be generally questioned on the evidence available in the inquiry against him. The learned counsel for the applicant, however, could not make-out a case that non-questioning of the applicant under Rule 14 (18) of the CCS (CCA) Rules, has caused any prejudice to him. Such a departure in departmental inquiry cannot be considered to be crucial unless, some prejudices have been caused to the applicant. The other grounds taken by the applicant were not much emphasized by the learned counsel for the applicant during the hearing of the case. Moreover, these grounds are general and vague. In these circumstances, we do not find any infirmity or illegality in the conduct of inquiry against the applicant. The charges have been proved on the basis of reports and the complaints made by the Account Holders against the applicant and the charges were held proved during the inquiry. In these circumstances, we find this Original Application as devoid of any merit hence liable to be dismissed.

6. The Original Application is accordingly dismissed with no order as to cost.

Gopal Singh  
( Gopal Singh )  
Administrative Member

G.C. Gupta  
( G.C. Gupta )  
Vice Chairman

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jpm