

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 774 of 1998

Jabalpur, this the 30th day of June, 2003.

Hon'ble Mr. D.C. Verma, Vice Chairman (Judicial)
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Snehi Das,
S/o Shri D.Das,
aged about 48 years,
Office of the Post Master General
Indore Region,
Indore (M.P.)

APPLICANT

(By Advocate - Shri V. Tripathi for Shri S. Paul)

VERSUS

1. Union of India
through its Secretary,
Ministry of Communication,
Department of Post,
New Delhi.
2. Member (P)
Postal Services Board,
Government of India,
Ministry of Communication,
Department of Posts,
New Delhi.
3. Assistant Director,
O/o Post Master General
Indore (M.P.)
4. Director,
Postal Services,
O/o Post Master General,
Indore - 452 001.

RESPONDENTS

(By Advocate - Shri S.C. Sharma)

O R D E R (ORAL)

By Anand Kumar Bhatt, Administrative Member -

The facts of the case are that the applicant was served with a chargesheet under Rule 16 of CCS (CCA) Rules, 1965 on 21.4.94. However, this chargesheet was withdrawn by competent authority's order dated 7.6.94 (Annexure A-2) and fresh chargesheet was issued vide order dated 18-2-97 (Annexure A-4).

2. The submission of the learned counsel for the applicant is that after the first chargesheet was withdrawn and disciplinary proceedings initiated vide memo dated 21.4.94 cancelled as per the order dated 7.6.94 (Annexure A-2), the issue of second chargesheet and punishment of stoppage of one increment for two years without cumulative effect are not according to the rules. He has drawn our attention to D.G. P&T letter dated 5.7.1979 quoted in Annexure A-3 that once the proceedings initiated under Rule 14 or Rule 16 of the CCS(CCA) Rules, 1965 are dropped, the Disciplinary Authorities would be debarred from initiating fresh proceedings against the delinquent officer unless the reasons for cancellation of the original chargesheet or for dropping the proceedings are appropriately mentioned and it is duly stated in the order that the proceedings were being dropped without prejudice to further action which may be considered in the circumstances of the case. The main ground taken by the applicant is that the order dated 7.6.94 (Annexure A-2) does mention that it is without prejudice to any further disciplinary action, but reasons for cancellation of original chargesheet and dropping the disciplinary proceedings have not been appropriately mentioned.

3. Under the circumstances, the departmental proceedings started against the applicant vide order dated 18-2-97 (Annexure A-4) and the consequent

gr

punishments are quashed. Arrears may be paid to the applicant within a period of three months from the date of receipt of the copy of this order.

4. The OA stands allowed. No costs.

A.K. Bhatt
(A.K.Bhatt)
Member (A)

D.C. Verma
(D.C.Verma)
Vice Chairman (J)

nk.

पृथक्करण सं ओ/न्या.....जबलपुर, दि.....

पतिविधि अन्तर्गत:-

- (1) सचिव, न्यायिक सेवा आयोग, जबलपुर
- (2) आवेदक श्री/श्रीमती/श्री/श्रीमती/श्री/श्रीमती के काउंसलर *S. Paul*
- (3) प्रत्यक्षी श्री/श्रीमती/श्री/श्रीमती के काउंसलर *SC Sharma*
- (4) वर्यपदा, न्यायिक सेवा आयोग, जबलपुर

सूचना एवं आवश्यक कार्यवाही हेतु

Shil

रजिस्ट्रार

8-7-77

Issued
8/7/77