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Mr. Anant Mathur, Counsel for applicant.

Mr. Mukesh Agarwal, Counsel for respondents

Heard. The OA is disposed of by a separate order.

Anil Kumar  
(Anil Kumar)  
M(A)

K. S. Rathore  
(Justice K. S. Rathore)  
M(I)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH

Jaipur, this the 6<sup>th</sup> day of February, 2012

Original Application No.70/2011

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)  
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)

Vijay Singh Dharwal  
s/o Shri Ram Dayal,  
r/o 9/308, U.I.T. Colony,  
Bhiwadi,  
District Alwar

.. Applicant

(By Advocate: Shri Amit Mathur)

Versus

1. The Union of India through  
Secretary, Ministry of Communication,  
Department of Post,  
Dak Bhawan, New Delhi.
2. The Principal Chief Post Master General,  
Department of Post,  
M.I. Road, Jaipur
3. The Director, Postal Services,  
Jaipur Region,  
M.I. Road, Jaipur
4. The Superintendent of Post Offices,  
Dak Bhawan,  
Sawai Madhopur  
(Rajasthan)

.. Respondents

(By Advocate: Shri Mukesh Agarwal)

O R D E R (ORAL)

This is second round of litigation. Earlier the applicant has filed OA Nos. 10/2005 & 11/2005 which were decided by this Tribunal vide order dated 17<sup>th</sup> December, 2008 with following directions:-

“7. In view of what has been stated above, we are of the view that it will not serve any purpose to keep these OAs pending since the inquiry in the matter has already been completed and only the final order is required to be passed by the competent authority based on the finding given by the Inquiry Officer and reply, if any, filed by the applicant against the Inquiry report. Accordingly, without going into merit of the OAs, both these OAs can be disposed of at this stage with liberty reserved to the applicant to file substantive OA, if any, against the final order to be passed by the President of India pursuant to the inquiry held in the matter. It will be permissible for the applicant to raise all such pleas in the OA to be filed by him against the impugned order, if any, to be passed by the President of India including the pleas raised in this OA against the issuance of the charge sheet and non payments of retrial benefit after superannuation of the applicant.”

2. The present OA has been preferred by the applicant praying to quash and set-aside the chargesheet dated 5.12.2003 (wrongly mentioned as 23.12.2003) and corrigendum dated 12.7.2004 with further prayer that the respondents may be directed to give all consequential benefits including pension, terminal benefits and interest @ 18% per annum.



3. The grievance of the applicant is that the memorandum of chargesheet was issued on 5.12.2003. As per the statement of articles, the charge against the applicant was that the applicant has failed to join his duty at Sawaimadhapur HO since the date of relief from the Alwar Division i.e. 4.1.1999 and remained absent from duty unauthorisedly without permission. It is, therefore, alleged that the applicant has violated the provisions of Rule 62 and 63 of postal Vol.III and by his above omission and commission the applicant also failed to maintain devotion to duty as required by rule 3 (1) (ii) of CCS (Conduct) Rules, 1964.

4. The learned counsel appearing for the respondents admitted the fact that in earlier OA No.10/2005 preferred by the applicant, the respondents have submitted that inquiry has already been completed and only the final order is required to be passed by the competent authority. This impression was given by the learned counsel appearing for the official respondents in earlier OA Nos. 10/2005 and 11/2005 in the year 2008 and now we are in 2012. The respondents still seek more time to procure the final order passed by the competent authority. The applicant claims that the memorandum of chargesheet may be quashed and set-aside as the respondents have utterly failed to complete the inquiry and pass order in this regard after a lapse of more than 8 years, as the memorandum of chargesheet was issued on 5.12.2003.



5. Be that as it may, having considered the rival submissions of the respective parties and having considered the earlier order passed by this Tribunal, it is evident that an opportunity was provided to the respondents to pass final order way back in the year 2008. Now in the interest of justice, we give three months' more time to the respondents to pass final order, and if the respondents are able to pass final order within three months, the applicant is at liberty to challenge the same by way of filing substantive OA, and in case the respondents failed to pass any final order within the period of three months from the date of passing of this order, the memorandum of chargesheet dated 5.12.2003 and corrigendum dated 12.7.2004 shall stand automatically quashed and set-aside without reference to this Tribunal.

6. With these observations, the OA stands disposed of with no order as to costs.

*Anil Kumar*

(ANIL KUMAR)  
Admv. Member

*K. S. Rathore*

(JUSTICE K.S.RATHORE)  
Judl. Member

R/