

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Dated : This the **06th** day of **September** 2018

Original Application No. 330/00571 of 2018

Hon'ble Mr. Gokul Chandra Pati, Member (A)

Hon'ble Mr. Rakesh Sagar Jain, Member (J)

Shri Kant Verma, S/o Shri Anil Kumar Verma, Postal Assistant (presently under suspension), Budaun H.O. under Superintendent of Post Offices, Budaun, R/o 41 – GA, Tikatganj Road near Bank of Baroda, Bhanji Tola, Budaun (U.P.) – 243601.

. . .Applicant

By Adv : Shri S.K. Kushwaha

V E R S U S

1. Union of India through Secretary, Ministry of Communication and I.T. Dak Bhawan, Sansad Marg, New Delhi.
2. Post Master General, Bareilly Region, Bareilly.
3. Director Postal Services, in the office of PMG, Bareilly Region, Bareilly.
4. Superintendent of Post Offices, Budaun Division, Budaun.

. . .Respondents

By Adv: Shri K.D. Mishra

O R D E R

By Hon'ble Mr. Gokul Chandra Pati, Member (A)

Heard Shri S.K. Kushwaha, learned counsel for the applicant and Shri K.D. Mishra, learned counsel for the respondents are present.

2. The present OA has been filed by the applicant seeks for the following reliefs:-

- “i. The Hon'ble Tribunal may graciously be pleased to quash the impugned order dated 27.4.2018 and further be pleased to issue an order or direction in the nature of mandamus directing the respondent no. 4 to take a final decision on the inquiry report within the prescribed time limit by this Hon'ble Tribunal, communicating the copy of the same to the applicant forthwith;*
- ii. To issue any order, direction or further orders which this Hon'ble Court may deem fit and proper in the present facts and circumstances of this case.*
- iii. Award costs in favour of Applicants.”*

3. The short point involved in this case is that the applicant was suspended since 24.07.2018 and no decision has been taken on the disciplinary proceedings and the disciplinary proceeding has been completed.

4. Learned counsel for the respondents has obtained instructions from the respondents and vide letter dated 04.09.2018 in which it has been written as under:-

“The above disciplinary inquiry has been completed and the disciplinary case is under decision & will be decided shortly. Here it is also intimated that 5 Prime Offenders (including the applicant, Shri Shrikant Verma), 5 Co-Offenders and 23 Subsidiary Offenders have been identified in the aforesaid fraud case against which the disciplinary action has been/is being taken on the basis of irregularities & derelictions at their part. Out of the aforesaid offenders, disciplinary cases of 03 offenders have been decided. The disciplinary case of the applicant will also be decided at the earliest.”

5. Learned counsel for the respondents further submitted that there is further controversy in the form of CCTV footage on which the authorities intend to take further action against the applicant. We take note of the instructions received by respondents' counsel stating that disciplinary proceedings in this case is pending for orders.

6. Learned counsel for the applicant submitted that he has not been served with any charge sheet. The guidelines of the DOP&T are very clear that within specific time from the date suspension, the charge sheet should be served.

7. In view of the submissions of the respondents that the disciplinary proceedings against the applicant has been completed and the matter is pending for decision of the competent authority, we dispose of the OA at this stage with the direction to the respondents / competent authority to pass appropriate order under the rules and also to take a decision about

the suspension of the applicant within a period of 02 month from the date of receipt of a certified copy of this order. It is made clear that if no decision is taken within time as stipulated above, the applicant, the applicant shall be reinstated by the respondents after, revoking the suspension order as per the rules. In the meantime, if the subsistence allowance payable to the applicant as per the rules, has been reduced as claimed by the applicant without informing the reasons for such reduction to the applicant through an order, the same shall be reviewed by the competent authority as per the extant rules.

8. If some additional controversy or allegations have been found against the applicant, as stated by the respondents' counsel, then the respondents may proceed under the appropriate rules against the persons who are found responsible for the same.

9. Accordingly, OA is disposed of as above. There is no order as to costs.

(Rakesh Sagar Jain)
Member (J)

(Gokul Chandra Pati)
Member (A)

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