

Central Administrative Tribunal  
Principal Bench  
New Delhi

O.A.No.3785/2015

Order Reserved on: 05.12.2016  
Order pronounced on 09.12.2016

Hon'ble Shri V. Ajay Kumar, Member (J)  
Hon'ble Shri P. K. Basu, Member (A)

Shri Sri Lal, Age 61 years  
Shri Ram Lal,  
Retd as Postal Assistant  
R/o-38, Vishnu Puri  
Krishna Nagar,  
Mathura.

....

Applicant

(By Advocate: Shri Manjit Singh Reen)

Versus

Union of India & Others : through

1. The Secretary  
Ministry of Communication & I.T.,  
Dept. of Posts  
Dak Bhawan  
Sansad Marg  
New Delhi.
2. The Chief Post Master General  
Deptt. of Posts  
U.P.Circle  
Lucknow-226001.
3. The Sr. Supdt. Post Offices  
Mathura Dn,  
Mathura (U.P.).

... Respondents

(By Advocate: Shri U Srivastava with Ms. Neelima Rathore)

**ORDER****By V. Ajay Kumar, Member (J):**

The applicant, who was retired from service while working as Postal Assistant on 30.11.2014, on attaining the age of superannuation, filed the OA, questioning the Annexure A1-Charge Memorandum, dated 17.11.2014, which was stated to be served on him on 03.12.2014, i.e., after the applicant was retired from service, mainly on the ground that the charges alleged in the impugned Charge Memorandum dated 17.11.2014 pertains to the year 2008, i.e., more than four years prior to the date of his retirement.

2. It is his specific case that though the applicant was on duty and continuously attending the office w.e.f. 17.11.2014, i.e., the date on which the impugned charge memorandum was issued, and till 29.11.2014, i.e., the date on which he demitted office, as 30.11.2014 was Sunday, the respondents having failed to serve the Charge Memorandum on him before he retired from his service, the same is liable to quashed.

3. It is further submitted that once the applicant retired from service, no chargesheet containing the charges pertaining to 4 years prior to the date of his retirement can be proceeded with against the applicant.

4. Heard, Shri Manjit Singh Reen, the learned counsel for the applicant and Shri U. Srivastava, the learned counsel for the respondents, and perused the pleadings on record.

5. The Article of Charge levelled against the applicant vide the impugned Annexure A1, Charge Memorandum dated 17.11.2014, reads as under:

“That the said Shri Shrilal PA Mathura while functioning as SPM Shergarh during the period 01.10.2008 to 21.05.11 opened work wage accounts under MG-NREGA accounts no.170261, 171274, 170268, 170272, 171200, 171276, 170280, 170282, 170285, 170301, 170310, 171176, 171181, 171200, 171201, 171202, 171203, 171232, 171237, 171245, 171284, 171287, 171286 and 170263 in the name of fake depositors without obtaining the information of jobcard no., date of issue of Job card and date of expiry of job card in the SB-3 Manu script.

Further he allowed/made forged withdrawals from these accounts without obtaining Wage Slips issued by the competent authority along with withdrawal form SB-7 which is treated as part of Voucher. Thus he did not follow the provisions of Rules of Chap 6 of PO SB Manual Vol 1 & DG Post letter 25-10/2005-FS (Vol III) SB ORDER NO.19/2008 Date: 27.8.2008 read with Rules 27 & 33 of POSB Manual Vol-I.

It is therefore alleged that by doing as above the said Shri Shri Lal PA Mathura HO failed to maintain absolute integrity and devotion to duty and acted in a manner, which is a unbecoming of Govt. Servant and thereby infringed the provisions of Rule 3(1)(i)(ii) & (iii) of CCS (Conduct) Rules, 1964.”

6. A bare perusal of the aforesaid charge clearly indicates the charge of opening work-wage accounts under MG-NREGA in the name of fake depositors without obtaining the information of Job Card Number, date of issue of Job Card and date of expiry of Job Card, and allowed or made forged withdrawals from the said accounts without obtaining wage slips issued by the competent authority was ranging from 2008 to 2011, i.e., admittedly within the period of four years

prior to the date of the applicant's retirement. Therefore, the ground of the applicant is unsustainable.

7. It is also relevant to note the conduct of the applicant in avoiding to receive the impugned charge memorandum before his date of retirement.

8. The respondents vide their reply categorically stated that for the lapses done by the applicant, he was proceeded under Rule 14 of CCS (CCA) Rules, 1965 under Sr. Supdt. Of Post Offices Mathura vide Memo dated 17.11.2014 and the chargesheet was sent to him vide Registered AD dated 18.11.2014 through Mathura Head Post Office, but the same was not delivered to the applicant due to non-availability of the applicant at his residence as well as in office at Mathura HO, and the same was returned without delivery to him with so many remarks on the registered envelop noted by the Postman on each day. Thereafter, it was received back in the Office of Sr. Supdt. Of Post Offices on 01.12.14 (Annexure R-2). The applicant was due to be retired on the After Noon of 29.11.2014 (30.11.14 Sunday). The applicant did not attend the office even on 29.11.2014 for preparing his charge report of retirement. The charge report of retirement of the official was received at Mathura HO through Sub Postmaster Krishna Nagar Mathura on 12.12.14. The Charge report was prepared and signed by the applicant on 03.12.14. The memo of charges was pasted on the wall of his residence on 02.12.14 by the SDI (N) Mathura as per report dt. 19.01.15 (Annexure R-3) the official was on

duty and the disciplinary proceedings under Rule 14 of CCS (CCA) Rules, 1965 was initiated on 17.11.14. Since the official has been retired from Govt. service in After Noon dated 29.11.14 on superannuation being Sunday on 30.11.14 and as such the disciplinary proceedings under Rule 14 of CCS (CCA) Rules, 1965 initiated against the applicant has been converted into the proceedings under Rule 9 of CCS (Pension) Rules, 1972 and such proceedings under Rule 9 are still pending against the applicant.

9. The aforesaid submission of the respondents coupled with the postal endorsement enclosed to their counter clearly shows the conduct of the applicant in deliberate avoidance of receiving the impugned charge memorandum till he retired from service. No explanation is coming forth from the applicant that when he was attending duty from 17.11.2014 to 29.11.2014 and that he was residing, along with his family members, at the address to which the charge memorandum was sent by Registered Post on 18.11.2014 was returned 'Unserved', with an endorsement that no person to receive the same continuously from 19.11.2014 to 26.11.2011"

10. In view of our above findings on facts, there is no necessity to examine the decisions pertaining to the validity of a chargesheet containing the charges four years prior to the date of retirement of an employee, after the employee was retired from service.

11. In the circumstances, and for the aforesaid reasons, we do not find any merit in the OA and accordingly the same is dismissed. No costs.

(P. K. Basu)  
Member (A)

(V. Ajay Kumar)  
Member (J)

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