

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00144/2017

DATED THIS THE 24TH DAY OF NOVEMBER, 2017

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI P.K. PRADHAN, MEMBER(A)

Sri K.P. Devaraja,  
S/o Shri N. Puttegowda,  
Aged about 52 years,  
Working as Postal Assistant,  
Hosakote Post Office-562 114,  
Bangaluru Rural District.  
R/at Sridhara Building,  
Vivekananda Nagar,  
Near Shreyas Hospital,  
Hosakote-562114.

...Applicant

(By Advocate Shri K. Manjunatha Rao Bhonsle)

V/s

1. The Director of Postal  
Services,  
Bengaluru Region,  
Bengaluru-560 001.

2. The Superintendent of Post Offices,  
Channapatna Division,  
Channapatna -562160. ...Respondents

(By Shri K. Gajendra Vasu, Senior Panel Counsel)

O R D E R (ORAL)HON'BLE DR K.B. SURESH, MEMBER(J)

Matter taken up today. The grounds taken up are, which have a credibility, is that (1) documents were not given to him, which was relied

on the enquiry. (2) Not only the Counter Assistant, the Supervisor ought to have been made responsible, as the withdrawal amount exceeds Rs. 5,000/-. The respondents seems to have held 2 enquiry, for the same charge, under Rule 16 and Rule 14 simultaneously, which is against law.

2. There seems to have a move on the part of the respondents to mark expert opinion without allowing a chance for cross examination to the applicant. Therefore, we heard the party in person. Since the enquiry is not complete, these lacunae pointed out, need to be addressed by the respondents and de-nova enquiry from the stage which it was stopped, after sending a letter, seems to be postulated. Therefore, obviously there cannot be two enquiry under Rule 16 and 14 for the same matrix of the charge. There cannot be an enquiry without documents being furnished to the delinquent employee, if the said documents are relied upon. Even if the expert opinion is called for, then the excerpts must be made available for cross examination. With this, the enquiry will be rejuvenated at the stage it was stopped and conducted de-nova.

3. OA is disposed of. No order as to costs.

(P.K. PRADHAN)  
MEMBER(A)

(DR. K.B. SURESH)  
MEMBER(J)

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Annexures referred to by the applicant in OA. No.144/2017

Annexure A-1: Memorandum/ Articles of Charge dated 10.2.2016.

Annexure A-2: Representation dated 16.2.2016.

Annexure A-3: Letter dated 08.03.2016.

Annexure A-4: Representation dated 15.3.2016.

Annexure A-5: Representation dated 28.4.2016.

Annexure A-6: Order dated 28.4.2016.

Annexure A-7: Order dated 28.4.2016.

Annexure A-8: Representation dated 12.5.2016.

Annexure A-9: Representation dated 25.5.2016.

Annexure A-10: Representation dated 7.6.2016.

Annexure A-11: Letter dated 9.6.2016.

Annexure A-12: Representation dated 14.6.2016.

Annexure A-13: Representation dated 1.7.2016.

Annexure A-14: Letter dated 16.11.2016.

Annexure A-15: Representation dated 25.11.2016.

Annexure A-16: Letter dated 10.1.2017.

Annexure A-17: Memo dated 09.09.2015.

Annexures referred to by the respondents.

Annexure R-1: Letter File No.CFSL(H)/2084/DOC/590/CH-149/2014/6051 dated 17.2.2015.

Annexure R-2: Statement of Sri K.P. Devaraja dated 6.8.2014.

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