

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO. 170/00176/2016

DATED THIS THE 23RD DAY OF JANUARY, 2018

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

HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

Khader Pasha,
Aged about 53 years,
S/o Kareem Sab,
Ex GDS MD/MC,
Sulthanpur BO a/w Gabbur SO,
Resident of Raghunathanahalli Village,
Raichur Taluk & District.

.....Applicant

(By Advocate Shri B. Venkateshan)

Vs.

1.The Union of India,
Represented by Secretary,
Dept. of Posts,
Dak Bhavan,
New Delhi-110 001.

2.The Superintendent of Post Offices,
Raichur Division,
Raichur-584 102.

3.The Asst. Superintendent of Post Offices (HQ)
O/o The Superintendent of Post Offices,
Raichur Division,
Raichur-584 102.

....Respondents

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

ORDER (ORAL)

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

Heard. In an earlier OA we thought that applicant may not have been given adequate opportunity to challenge the charge against him therefore in OA No. 07/2013 we had disposed it on 29.01.2014 to have one more opportunity given the grievance of the applicant that some witnesses were not examined. Therefore in compliance with our earlier order the Enquiry Officer seems to have summoned all those witnesses according to the admission of the applicant and examined them. Now the applicant would come and say that he had been unwell in the interregnum and therefore he did not attend the enquiry. We had gone carefully through his medical records and found that on the date on which the applicant is alleged to have been indisposed he was free to have attended the enquiry and the alleged health deficiency was not so serious as to incapacitate the applicant on a permanent basis. We had gone through the medical records also and are not satisfied that the disease was so debilitating that the applicant cannot participate in the enquiry at all.

2. But then on the admission of the applicant itself this may not be an issue as the charge against the applicant in Article I is that to one Hazamma a payment of Rs.1600/- was to be effected which the applicant received on 29.06.2009. According to the documents produced by the applicant he had apparently given the payment to somebody on 02.07.2009. The interregnum time is not explained by the applicant. In relation to Rs.1600/- to be given to Smt Parvathi on 20.06.2009 the case of the applicant is that to somebody that amount has been paid on 24.07.2009, that is about a month's difference in the

interregnum which also we had specifically queried as to the reason for non-payment and the learned counsel is unable to explain this also. Therefore we hold that applicant had been given enough opportunities to discharge the charge against him and he had not done anything in prosecution of his cause on his own collusion. There may not be any other ground to object in it. Therefore there is no merit in the OA.

3. The OA is dismissed. No order as to costs.

(PRASANNA KUMAR PRADHAN)
MEMBER (A)

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

/ksk/

Annexures referred to by the applicant in OA No.170/00176/2016

Annexure A-1: ASPOs Memo No.PF/GDSMD Sulthanpur BO/2009/10 dated 13.01.2010.

Annexure A-2: SPOs (HQ), Memo No.F3-1.2009-10 dated 4.2.2010.

Annexure A-3: SPOs (HQ), Memo No.ASP(HQ) ADA-1/2009-2010, dated 24.3.2010.

Annexure A-4: Memo No.ASP(HQ) ADA-1/2009-2010, dated 29.2.2012.

Annexure A-5: Central Administrative Tribunal, Bangalore Bench Order dated 29.1.2014 in OA.No.07/2013.

Annexure A-6: letter No.ASP(HQ) ADA-1/2009-2010, dated 21.4.2014.

Annexure A-7: Memo No.ASP(HQ) ADA-1/2009-2010, dated 21.4.2014.

Annexure A-8: Memo No.ADA(HQ) ADA-1/2009-2010, dated 21.4.2014 addressed to the applicant.

Annexure A-9: Memo No.ASP/Dlgs, dated 23.4.2014.

Annexure A-10: Lr. No.I.O./K.Pasha/CAT/2013-14, dated 30.4.2014.

Annexure A-11: Lr. No.I.O./K.Pasha/Sltnpr/2014, dated 30.4.2014.

Annexure A-12: Lr. No.I.O./K.Pasha/Sltnpr/2014, dated 30.4.2014.

Annexure A-13: Lr. No.I.O./K.Pasha/Sltnpr/2014, dated 30.4.2014.

Annexure A-14: Memo No.F/CAT cases/KP/2014, dated 12.5.2014.

Annexure A-15: Lr. No.I.O./K.Pasha/Sltnpr/2014, dated 13.5.2014.

Annexure A-16: Lr. No.I.O./K.Pasha/CAT/2013-14, dated 13.5.2014.

Annexure A-16(a): Lr. No.I.O./K.Pasha/CAT/2013-14, dated 13.5.2014.

Annexure A-17: Lr. No.I.O./K.Pasha/Sltnpr/2014, dated 13.5.2014.

Annexure A-18: Discharge summary of Shivam Hospital dated 30.5.2014.

Annexure A-19: Lr. No.I.O./K.Pasha/CAT/2013-14, dated 28.6.2014.

Annexure A-20: Discharge summary dated 18.8.2014 of the applicant

Annexure A-21: Lr. No.I.O./K.Pasha/CAT/2013-14, dated 5.9.2014.

Annexure A-22: Memo No.ASP(HQ) ADA-1/2009-10, dated 20.8.2014.

Annexure A-23: Memo No.ASP(HQ) ADA-1/2009-10, dated 27.10.2014.

Annexure A-24: Memo No.F/Appeals/1/2014-15, dated 21.5.2015.

Annexures referred in the Reply Statement

Nil
