

**Central Administrative Tribunal  
Madras Bench**

**OA/310/00445/2018**

**Dated Tuesday the 27<sup>th</sup> day of March Two Thousand Eighteen**

**P R E S E N T**

**Hon'ble Mr. R.Ramanujam, Member(A)**

M.Padmapriya  
D/o S.Maheswaran,  
YMCA Working Womens' Hostel,  
Visalakshipurm, Madurai. .. Applicant

By Advocate **M/s.K.S.Govinda Prasad**

**Vs.**

1. Union of India, rep by the  
Superintending Engineer(Civil),  
Department of Posts – Civil Wing,  
Postal Civil Circle, II Floor,  
Basavangudi HPO Building,  
Bangalore 560 004.
2. The Executive Engineer,  
Department of Posts, Civil Wing,  
O/o the Executive Engineer,  
Postal Civil Division,  
#5, Ethiraj Salai, Chennai 600 008.
3. Shri Amit Kumar,  
The Executive Engineer,  
Department of Posts, Civil Wing,  
O/o the Executive Engineer,  
Postal Civil Division,  
#5, Ethiraj Salai,  
Chennai 600 008. .. Respondents

By Advocate **Mr.K.Rajendran**

**ORAL ORDER**

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard. The applicant has filed this OA seeking the following reliefs:-

“To call for the files/records relating to impugned Memo bearing No.PF/MP/PCD/C/2016-17/1933, dated 17.1.2018(A83) issued by the Executive Engineer, Postal Civil Division, No.5, Ethiraj Salai, Chennai 600008, the 2<sup>nd</sup> respondent herein as non-est in the eye of law and thus render justice.

To award exemplary costs payable by the respondents to the applicant herein and thus render justice.

To grant such other relief(s) which may be prayed for and/or which this Tribunal may deem fit, proper and just to be granted in the facts and circumstances of the case and thus render justice.”

2. Learned counsel for the applicant submits that the applicant who is a Junior Engineer was aggrieved by Annexure A83 Memorandum dated 17.1.2018 by which she has been directed to submit her explanation for certain alleged lapses committed by her within a period of fifteen days from the date of receipt of the memorandum. It is submitted that the disciplinary authority for the applicant was Superintending Engineer (Civil) and, therefore, Executive Engineer could not call for her explanation. Accordingly, the applicant seeks quashment of the impugned memorandum.

3. Mr.K.Rajendran takes notice for the respondents.

4. On perusal it is seen that the applicant has not been issued with any charge memorandum under Rule 14 of the CCS (CCA) Rules. The impugned

memorandum merely calls for the applicant's explanation for an alleged misconduct. If the applicant is able to satisfy the authorities and there was no misconduct, the question of initiating Rule 14 proceedings would not arise.

5. Admittedly, the signatory of the impugned Memorandum is two levels above the applicant who works under his jurisdiction. It is too far fetched to say that only the disciplinary authority could call for explanation and not any other superior officer in the hierarchy of a government servant. The applicant has no alternative but to reply to the memorandum explaining her conduct in respect of the alleged lapses. In the event of any grievance, the applicant could agitate her grievance before higher authorities. It is too premature for the applicant to challenge the memorandum before the Tribunal at this stage.

6. The OA is misconceived and cannot be admitted as there is no evidence of the applicant exhausting her departmental remedies before approaching the Tribunal. It is accordingly dismissed at the admission stage. However, the applicant is granted the liberty to submit her reply to the impugned memorandum dated 17.1.2018 within a period of fifteen days from the date of receipt of a copy of this order.

(R.Ramanujam)  
Member(A)  
27.03.2018

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