

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.98/2018.

Date of Decision: 08.02.2018.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)

Shri Atmaram Pundikrao Wagawad
 Retired on Superannuation,
 R/at 92, Giriraj, House No.1-1-237
 Mahaveer Society, Nanded 431 602. ... *Applicant*
(Advocate by Shri R.B. Kadam)

Versus

1. The Union of India through Secretary,
 Department of Posts, Ministry of
 Communications & IT, Dak Bhavan,
 Sansad Marg, New Delhi 110 001.
2. The Chief Postmaster General,
 Maharashtra Circle, Mumbai GPO
 Bldg., Mumbai 400 001.
3. The Postmaster General,
 Aurangabad Region,
 Aurangabad – 431 002.
4. The Superintendent of Post Offices,
 Nanded Division, Nanded 431 602. ... *Respondents*

ORDER (Oral)
Per : Shri A.J. Rohee, Member (J)

Today when the matter is called out for admission, heard Shri R.B. Kadam, learned Advocate for the Applicant. We have carefully perused the case record.

2. The Applicant who retired as Assistant Postmaster while working under Respondent

No.4 has grievance regarding the impugned charge-sheet dated 20.07.2017 (Annexure A-1) issued against him on certain allegations regarding the alleged fraud committed while he was working in the said capacity at Nanded Head Post Office. It is stated that the total amount of alleged embezzlement comes to Rs.7,83,947/-. It is stated by learned Advocate for the applicant that he has submitted reply to charge-sheet denying the allegations made, with a request to drop the same. The inquiry is still pending. It is stated that the applicant has now engaged a Defence Assistant. In this OA, the following reliefs are sought:-

“8.a) This Hon'ble Tribunal may be pleased to call for the records of the case of the applicant from the respondents and after perusal consider grant of reliefs as prayed for hereunder on the basis of settled principle of laws and rules.

8.b) To quash and set aside impugned order dated 20.07.2017 issued by Respondent No.4 holding it unjustified, unwarranted and to direct respondents to release payment of DCRG, Commutation and Leave Encashment to applicant immediately.

8.c) To direct respondents to pay his (applicant's) all retiral dues with 18% interest from 1st September 2017 till the date of actual payment.

8.d) Cost of the application be provided

for.

8.e) Any other further order as this Hon'ble Tribunal deems fit in nature and circumstances of the case be passed."

3. During the course of arguments, it is submitted by learned Advocate for the applicant that the respondents have withheld the amount of DCRG, Commutation of pension and Leave Encashment, obviously for the reason that a disciplinary proceeding is pending against him and in this behalf he has submitted a representation dated 08.11.2017 (Annexure A-23) to the Respondent No.4 for release of the said amount. According to him, nothing has been heard from the other end so far.

4. The record shows that according to applicant the charges are vague. He has however not challenged the competence of the Disciplinary Authority to issue the charge-sheet nor any procedural irregularities has been mentioned by him till the present stage of the inquiry. In view of this, no grounds are made out for interference by this Tribunal to set aside the charge-sheet at this stage, when inquiry is in progress.

5. However, it will be just and proper to

direct Respondent No.4 to pass the order on his pending representation dated 08.11.2017 (Annexure A-23) regarding release of DCRG, Commutation & Leave Encashment, pending the inquiry against him.

6. In view of this, the OA stands disposed of with a direction to the Respondent No.4 to consider and pass a reasoned and speaking order on the aforesaid representation dated 08.11.2017 of the applicant in accordance with law, within a period of eight weeks from the date of receipt of certified copy of this order.

7. The order so passed shall then be communicated to the applicant at the earliest, who will be at liberty to approach the appropriate forum, in case his grievance still persists.

8. The Applicant is also directed to render fullest co-operation to the Inquiry Officer so that the pending disciplinary proceeding can be expeditiously concluded which is also in his interest, since he is already retired on 31.07.2017 and is presently getting provisional pension only.

9. The Disciplinary Authority- Respondent

No.4 is also directed to apprise the Inquiry Officer and issue appropriate directions to him for expeditious disposal of the inquiry to its logical end as per rules.

10. The OA stands disposed of with the aforesaid directions at the admission stage, without issuing notice to the respondents.

11. *DASTI.*

(R. Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

dm.