

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00155/2019

Dated Wednesday the 13th day of February Two Thousand Nineteen

**CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)**

A.R. Vijayan
No. 1/30 A5, Ariteeni House
Munnanad BO
Konnachal
Gudalur Taluk, Nilgiri District
Udagamandalam
Pin – 643 239.

... Applicant

By Advocate M/s R. Malaichamy

Vs

1. Union of India
Rep. by the Postmaster General
Western Region (TN)
Coimbatore – 641 002.

2. The Director of Postal Services
O/o. The Postmaster General
Western Region (TN)
Coimbatore – 641 002.

3. The Senior Superintendent of Post Offices
Nilgiri Division, Udagamandalam – 643 001.

4. The Assistant Superintendent of Post Offices
Udagamandalam Sub Division
Udagamandalam – 643 001.

... Respondents

By Advocate Mr. Su. Srinivasan

ORAL ORDER

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

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

"1. To call for the records of the 3rd respondent pertaining to his order which is made in Memo No. F1/5/99-2000 dated 23.11.2001, the order of 2nd respondent made in Memo No. STB/22376/2002 dated 24/26.12.2003 and the order of 1st respondent made in Memo No. STC/16-81/2017 dated 27.06.2018 and set aside the same; consequent to,

2. direct the respondents to reinstate the applicant into service with all attendant benefits; and

3. To pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case."

2. The grievance of the applicant is that he was imposed with a penalty of removal from service by an order of the disciplinary authority dt. 23.11.2001. He preferred an appeal to the appellate authority on 29.04.2002 which was considered and rejected by the appellate authority by an order dt. 24/26.12.2003. Aggrieved by the rejection, the applicant submitted a revision petition to the 1st respondent Postmaster General under Rule 19 of GDS (Conduct and Engagement Rules), 2011. The revision petition was submitted on 22.08.2018 and disposed of by Annexure A10 order dt. 27.06.2018 confirming the orders of the disciplinary authority and hence, this OA.

3. Learned counsel for the applicant would submit that the applicant had explained the delay of 14 years in filing the review petition before the competent authority. He was involved in a pending police case C.C. No.207/2007 before the Judicial Magistrate, Gudalur and, therefore, he could not file the revision petition in time. The competent authority had accepted the

explanation and taken up the matter in revision. Accordingly, the impugned order dt. 27.06.2018 rejecting the revision petition of the applicant was not in order as the disciplinary authority should have been directed to conduct a fulfilled inquiry against the applicant, affording due opportunity to cross examine necessary witnesses.

4. Mr. Su. Srinivasan, SCGSC takes notice for the respondents.

5. We have considered the plea at the admission stage. It is not in dispute that the applicant was removed from service by an order of the disciplinary authority dt. 23.11.2001 and his appeal to the appellate authority had also been rejected by an order dt. 24/26.12.2003. While the revision authority, in exercise of her powers under Rule 19 of GDS Rules had accepted the revision petition of the applicant dt. 24.08.2017 for consideration, it is seen that the revisionary authority has also observed in the impugned order that the reason put forth for the belated submission of petition after lapse of 14 years ie, pending police case C. C. No. 207/2017 before the Hon'ble Judicial Magistrate Court, Gudalur was not acceptable. The court case had no bearing on submitting petition in time. We further notice that the applicant had admitted the charges during the inquiry and, therefore, it is not possible to direct the disciplinary authority to hold the inquiry all over again merely because the applicant alleges after lapse of 17 years that he was pressurised to admit the charges.

6. The OA is prima facie devoid of substance and no case is made out for this Tribunal to interfere. Accordingly, the OA is dismissed.

7. At this stage, learned counsel for the applicant submits that the criminal case against the applicant is still pending in the competent Court and in the event of his acquittal he may be considered for reinstatement. We do not have enough material before us to comment on this request. However, if the applicant is fully acquitted in the criminal case and if the charges on which he was dismissed are the same and if the competent authority is also inclined to consider any representation by the applicant for reinstatement to service, this order may not bar them from such consideration if such action is otherwise in accordance with law.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

13.02.2019

SKSI