

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Monday 24th day of December Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

M.A.310/704/2018
in
O.A. 310/1715/2018
&
O.A. 310/1715/2018

M.K. Bharathi,
S/o. M. Kallan,
No. 156/108, Ko. Puvannur, B.O.,
Mangalam (SA),
Vriddhachalam Taluk,
Cuddalore- 606 104.

....Applicant in both MA & OA

(By Advocate: Mr. R. Malaichamy)

Versus

1. Union of India, Rep. by
The Postmaster General,
Central Region (TN),
Tiruchirappalli- 620 001;
2. The Director of Postal Services,
O/o. The Postmaster General,
Central Region (TN),
Tiruchirappalli- 620 001;
3. The Superintendent of Post Offices,
Vriddhachalam Division,
Vriddhachalam- 606 001.

...Respondents in both MA & OA

(By Advocate: Mr.Su. Srinivasan)

ORAL ORDER

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

Heard. MA 704 of 2018 filed by the applicant seeking condonation of 246 days delay in filing the O.A. is allowed.

2. Applicant has filed this O.A. seeking the following relief:-

“to call for the records of the 3rd respondent pertaining to his charge sheet issued under Rule 10 of Department of Posts, Gramin Dak Sevaks (Conduct and Engagement) Rules, 2011 vide Memo No. F1/1/11-12 dated 09.04.2013, the appointment of Inquiry Officer and Presenting Officer vide Memos No. F1/1/11-12 dated 10.05.2013, the order of 2nd respondent made Memo No. STC/6-16/2013 dated 08.01.2014 and the order of 1st respondent made in Memo No. STC/4-4/2016 dated 10.04.2017 and set aside the same; consequent to direct the respondents to reinstate the applicant into service.”

3. Learned counsel for the applicant submits that the applicant had been removed from engagement on certain allegations. An appeal made there-against had also been rejected by the competent authority. The grievance of the applicant is that the proceedings were conducted and the order was passed by a Class-II Superintendent of Post Offices whereas the disciplinary authority in the case of the applicant had to be a Class-I Superintendent. As such, the entire proceedings were vitiated and, therefore, the impugned order should be regarded as non-est.

4. In response to a specific query from the Bench, learned counsel for the applicant submits that the issue was never raised by the applicant either before the disciplinary authority or the appellate authority. Accordingly, it is submitted that the applicant would be satisfied if he is permitted to make a representation in this regard and the competent authority is directed to consider the same and pass appropriate orders within a time limit to be set by the Tribunal.

5. Mr.Su. Srinivasan, Ld. Sr. CGSC who takes notice for the respondents, has no objection.

6. Keeping in view the limited relief sought by the applicant and without going into the substantive merits of the case, the OA is disposed of with permission to the applicant to make a representation with regard to the aforesaid allegation to the competent authority within a period of one week from the date of receipt of copy of this order. On receipt of such representation, the respondents shall ascertain who the competent disciplinary authority was and whether the impugned order was passed by such authority. A reasoned and speaking order shall be passed within a period of two months from the date of receipt of the representation from the applicant.

7. OA is disposed of in the above terms. No costs.

(R. RAMANUJAM)
MEMBER (A)

24.12.2018

Asvs.