

**Central Administrative Tribunal  
Principal Bench**

**OA No.1179/2019**

New Delhi, this the 26<sup>th</sup> day of April, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy,  
Chairman  
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Smt. K.K. Lathika  
Aged about 55 years  
W/o Sh. E.P. Gopinathan  
Senior Accounts Officer (FA), Group 'B'  
Department of Post, Dak Bhawan  
New Delhi – 110001  
Residing at:  
Quarter No.837, Type IV  
Laxmi Bai Nagar, Near INA  
Near Delhi-110023. ...Applicant

(By Advocates: Shri Anuj Kumar and Shri Vikram  
Gulliya )

Vs.

1. Union of India  
Represented by its Secretary to Government of  
India  
Department of Post, Ministry of Communication  
Dak Bhawan, New Delhi-110001.
2. The Member(Finance)  
Department of Telecommunication  
Ministry of Communication  
Sanchar Bhawan  
New Delhi-110001.

3. Senior Deputy Director General  
(Postal Accounts & Finance)  
Ministry of Communication & IT  
Dak Bhawan  
New Delhi-110001. ...Respondents

(By Advocate: Shri J.P. Tiwari)

### **ORDER (ORAL)**

#### **Justice L. Narasimha Reddy:-**

The applicant is presently working as Senior Accounts Officer in the Postal Department i.e. Dak Bhawan, New Delhi. She is issued a charge memo dated 31.01.2019. The principal allegation is that she signed a Vakalatnama, in OA No.667/2015 filed in the Ernakulam Bench of Central Administrative Tribunal on 29.07.2015, but she is said to have been shown as being on duty, the same day in an office, at Ahmedabad. Other related allegations are also made.

2. The applicant contends that this very issue was verified earlier by issuing a memorandum dated 08.01.2018 and there is absolutely no basis for initiation of the disciplinary proceedings at this stage.

3. We heard Shri Anuj Kumar and Shri Vikram Gulliya, learned counsel for the applicant and Shri J.P. Tiwari, learned counsel for the respondents.

4. It is in rare cases such as where the charge memo was issued by an authority not vested with the power or where no case of mis-conduct can be perceived even if the allegations contained in the charge memo are taken as true; that an occasion may arise for the Tribunal to interfere with the charge memo. None of those grounds are pleaded in this OA.

5. The applicant made an attempt to explain the circumstances under which the Vakalatnama was signed. That however, is a matter to be verified in the disciplinary inquiry.

6. Another contention advanced by the applicant is that the inquiry officer and the presenting officer are the immediate subordinates of the disciplinary authority and they may not be in a position to function freely. Such a spacious plea is difficult to be accepted.

However, if the applicant has any valid apprehension about a lack of neutrality or presence of prejudice on the part of the inquiry officer, she can certainly make a representation in this behalf.

7. The OA is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)  
Member(A)

(Justice L. Narasimha Reddy)  
Chairman

/vb/