

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH:
NEW DELHI**

O.A. NO.2618 of 2018

This the 22nd day of August, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)

Sh. Himanshu Gupta
Aged about 30 years
S/o Sh Padam Chand Gupta
R/o n-21, Laxmi Nagar
Near Jagat Ram Park
Delhi-110092
(Working as Postal Assistant)

(By Advocate : Shri S.K. Gupta)

....Applicant

VERSUS

Union of India through

1. Secretary,
Department of Posts,
Ministry of Communication & IT,
Dak Bhawan, Ashoka Road,
New Delhi

2. Chief Postmaster General,
Delhi Circle,
Meghdoot Bhawan,
Jhandewalan, New Delhi

3. Sr. Supdt of Post Offices,
New Delhi Central Division
Meghdoot Bhawan, New Delhi

4. Sr. Post Master,
Indraprastha Head Office, New Delhi-110002

.....Respondents

(By Advocate : Shri R.K. Sharma)

O R D E R (Oral)

By filing this OA, the applicant is seeking the following reliefs:-

- (i) Quash and set aside the impugned order dated 20.03.2018 (Annexure-A-1) and 27.06.2018 (Annexure-A-1A) with all consequential benefits.
- (ii) The respondents be directed to refund the recovered amount to the applicant along with the interest at the rate of 12% p.a.;
- (iii) May also pass any further order(s), direction(s) as be deemed just and proper to meet the ends of justice.

2. In this case, this Tribunal vide order dated 13.8.2018 stayed the operation of the impugned order dated 20.3.2018 till the outcome of this OA.

3. Briefly the facts of the case are that the applicant of this OA has been inflicted with the punishment of recovery amounting to Rs.54,570/- on account of decision taken by the respondents after finalization of disciplinary proceedings in which he was chargesheeted under Rule 16 of the CCS (CCA) Rules. It is the contention of the applicant that during the conduct of the disciplinary proceedings, he had asked for certain documents and such documents were directly related to the allegations in the chargesheet but the same were not provided to him. Further it is his contention that the appeal of the applicant has been dismissed by the respondents by virtue of non-speaking order dated 27.6.2018. Hence, the

entire disciplinary proceedings have been conducted in an illegal and arbitrary manner and hence, orders in the disciplinary proceedings deserve to be set aside and the order of recovery made against him also deserves to be set aside.

4. This matter was earlier heard on different dates and during detailed arguments made by the parties on 19.8.2019, this Tribunal passed the following orders:-

“Both the parties are heard. Mr. Pankaj Garg, departmental representative, is present in person but is unable to furnish the record in this matter.

The short point which needs clarification is as to whether the applicant was given the copy of Circle Level Investigation Report which has been filed by the respondents at Annexure R-1 of their CA. They are directed to produce the record and show the date on which the said report was given to the applicant charged with disciplinary proceedings in this OA.

List the case on 22.08.2019 under the category 'Part Heard Matters'.

It is made clear that the respondents shall not be given any further opportunity in this matter.”

5. Today counsel for the respondents produced a letter dated 21.8.2019 issued by the respondents in which it is clearly stated by them that “No copy of CLI has been given to the charged official. Since it is an admitted fact that Circle Level Investigation Report, which was the main basis for issuing the impugned order, has not been provided to the applicant, the impugned order is not sustainable in the eyes of law as the same is violative of principles of natural justice

because applicant was not given any opportunity to present his case qua the said Circle Level Investigation Report. Hence, the impugned order is quashed. The respondents are directed to give a copy of Circle Level Investigation Report to the applicant and proceed in the matter in accordance with the rules and regulations on the subject. The inquiry shall be completed as expeditiously as possible and preferably within a period of six months. The applicant is also directed to cooperate in the said proceedings and submit his contentions with a view to avoid any undue delay in completion of the same. In case of any delay caused by non-participation of the applicant, the period given for completion of proceedings shall automatically stand extended to that extent. After passing the final order, the respondents shall make recovery, if any due, as per rules from the applicant.

6. The instant OA is allowed in terms of above directions. There shall be no order as to costs.

**(Nita Chowdhury)
Member (A)**

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