

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

O.A. No.020/00340/2014
&
M.A.No.478/2014 in O.A.No.340/2014
&
M.A.No.104/2015 in O.A.No.340/2014
&
M.A.No.964/2016 in O.A.No.340/2014

Date of Order :04.06.2019.

Between :

S.Rahamathulla, s/o late S.Ghouse Mohiddin,
Aged about 43 yrs, Occ:Postal Assistant (under
The orders of suspension), Proddatur Head Post
Office, Kadapa District, r/o D.No.24/181, Power House
Road, Proddatur, Kadapa District.

...Applicant

And

1. Union of India, rep., by its Secretary,
Department of Posts, M/o Communications and
Information Technology, Sansad Marg,
New Delhi.

2. The Chief Postmaster General,
A.P.Circle, Abids, Hyderabad-500 001.

3. The Postmaster General,
A.P.Southern Region, Kurnool-2.

4. The Director of Postal Services,
O/o Postmaster General, A.P.Southern Region,
Kurnool-2.

5. The Superintendent of Post Offices,
Proddatur Division, Kadapa District.

6. Sri S.Ghouse Azam, Inquiry Officer and Assistant,
Superintendent of Post Offices (R),
Kadapa, Kadapa District.

... Respondents

Counsel for the Applicants
Counsel for the Respondents

... Dr.A.Raghu Kumar
... Mrs.K.Rajitha, Sr.CGSC

CORAM:

**THE HON'BLE MR.JUSTICE L.NARASIMHA REDDY, CHAIRMAN
THE HON'BLE MR.B.V.SUDHAKAR, MEMBER (ADMN.)**

ORAL ORDER

(As per Hon'ble Mr.Justice L.Narasimha Reddy, Chairman)

The applicant was working as Postal Assistant in the Department of Posts. Disciplinary Proceedings were initiated against him by issuing a charge memo dated 27.08.2012. The applicant submitted his explanation to the charges. Not satisfied with that, the Disciplinary Authority appointed an Inquiry officer and Presenting Officer. When the departmental inquiry was in progress, the applicant submitted a representation dated 27.03.2013 with a request to change the Inquiry Officer alleging bias and to supply certain documents. The requests made by the applicant were rejected through an order dated 20.04.2013. The applicant made a further representation dated 19.10.2013 for change of the Inquiry Officer. The Disciplinary Authority rejected the request for change of the Inquiry Officer, through an order dated 03.12.2013. The said order is challenged in this OA.

2. The applicant contends that the Inquiry Officer is biased against him inasmuch as he did not accede to many of his requests in the course of the inquiry, be in the context of permitting him to examine the witnesses or to take the other steps.

3. The respondents filed a reply statement opposing the OA. It is stated that the applicant was causing obstruction at every stage on one pretext or the other, and every plea raised by the applicant was dealt with, in a fair manner by the Disciplinary Authority.

4. Heard Mr.B.Pavan Kumar, proxy counsel representing Dr.A.Raghu Kumar, learned counsel for the Applicant and Mrs.K.Rajitha, learned Senior Standing Counsel for the Respondents.

5. This is one of the 7 or 8 OAs filed by the applicant ever since the disciplinary proceedings were initiated against him. An interim order was passed on 02.04.2014 in the OA and feeling aggrieved by the same, the respondents moved the Hon'ble High Court of Judicature at Hyderabad by filing W.P.No.17184/2016. In its order dated 03.06.2016, the Hon'ble High Court at Hyderabad, observed that this is a fit case for the Tribunal for disposal of the OA as expeditiously as possible, preferably within three months. More than three years have elapsed and the disciplinary proceedings are still on hold. The charges are in fact grave.

6. If a charged employee has any valid basis to complain about the absence of impartiality on the part of the Inquiry Officer, he can certainly

make a request to the Disciplinary Authority for taking appropriate steps. In the instant case, however, the applicant has been choosing various mechanisms to stall the disciplinary proceedings on one pretext or the other. Initially, his complaint was about the non-supply of documents. Once that was complied with, he pressed other grounds into service. Even, as regards the allegations made against the Inquiry Officer, he is not consistent. He did take part in the inquiry proceedings, but the allegations of bias are mostly on the ground that some of the witnesses were not summoned by the Inquiry Officer. It is no part of duty of the Inquiry Officer to summon witnesses. It is for the respective parties to take necessary steps in that behalf.

7. The very fact that a detailed order, comparable to the judgment of the Courts had to be passed by the Disciplinary Authority at every stage discloses the amount of obstruction, which the applicant is causing in the disciplinary proceedings. If the disciplinary proceedings are tainted with any illegality, he can certainly raise the grounds in event of any punishment being imposed. No proceedings can progress, if obstruction is created at every stage. The charge memo was issued way back in the year 2012, and hardly there is any progress.

8. We do not find any merit in the OA and the same is accordingly dismissed. The respondents shall take immediate steps to conclude the disciplinary proceedings at the earliest duly following the procedure prescribed by law.

9. The M.A.Nos.478/2014, 104/2015 and 964/2016 stand disposed of and the interim order dated 02.04.2014 shall stand vacated.

10. There shall be no order as to costs.

Sd/-

(B.V.SUDHAKAR)
MEMBER (ADMN.)

Sd/-

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

Dated: this the 4th day of June, 2019
Dictated in the Open Court

Dsn.