

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

Original Application No.021/0792/2019

Date of Order : 13.09.2019

Between :

B.Seshagiri Rao, S/o B.Venkat Rao,
Aged about 61 years, Gr 'C'
Occ : Gramin Dak Sevak Branch Postmaster,
(Under the orders of "off-duty")
Rapole Branch Post Offices, A/w Purgi SO,
Vikarabad Sub Division, Secunderabad Division.

... Applicant.

And

1. The Union of India, rep. by its Secretary,
Department of Posts, Dak Bhavan,
Sansad Marg, New Delhi – 1.

2. The Chief Postmaster General,
A.P.Circle, Abids, Hyderabad – 1.

3. The Postmaster General,
Hyderabad Region, Hyderabad – 1.

4. The Director of Postal Services,
O/o Postmaster General,
Hyderabad Region, Hyderabad – 1.

5. The Senior Superintendent of Post Offices,
Secunderabad Division, Hyderabad – 500 080.

... Respondents.

Counsel for the Applicant	...	Dr.A.Raghu Kumar, Advocate
Counsel for the Respondents	...	Mrs.K.Rajitha, Sr.CGSC

CORAM:

Hon'ble Mr.B.V.Sudhakar	...	Member (Admn.)
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ORAL ORDER

The OA is filed challenging the order of the 5th respondent rejecting the request of the applicant to direct the Inquiry Officer to regulate the inquiry from the stage of inspection of left over listed documents.

2. Brief facts of the case are that the applicant joined the respondents organization as Gramin Dak Sevak Branch Postmaster. While working in the said position, applicant was put-off duty on 29.03.2016 by the respondents. Later, respondents have issued a charge memo dated 28.02.2017 for not crediting deposits made by RD account deposit holders in RD Account Nos.48203 and 48204 respectively and also for not crediting the premium amount in respect of RPLI policy No.R-1P-HC-EA-41722. Applicant submitted his representation against the charge memo on 06.03.2017 seeking copies of the relevant documents to furnish his defence. Without supplying the documents, Disciplinary Authority has appointed the Inquiry Officer on 17.03.2017. Applicant preferred bias petition against the Inquiry Officer on 25.08.2018. However, Disciplinary Authority on his own volition changed the Inquiry Officer on 31.10.2018 for administrative reasons. In view of the change of the Inquiry Officer, applicant represented on 15.04.2019 to conduct inquiry from the stage of inspection of left over documents. Request of the applicant was rejected on 09.05.2019. Aggrieved, applicant filed an appeal to the 4th respondent on 28.05.2019, but it was rejected on 03.07.2019. In the meanwhile, 5th respondent directed the applicant to cooperate with the Inquiry

Officer vide impugned order dated 19.08.2019 and directed the Inquiry Officer to proceed with the inquiry. The contention of the applicant is that, respondents have not supplied the documents as sought by him. Respondents have made certain changes in the charge memo and also in the list of documents in Annexure-III to the charge memo as well as some charges in regard to list of witnesses in Annexure-IV to the charge memo. Disciplinary Authority without finalizing the documents/witnesses has issued the charge memo and the Inquiry Officer went-ahead with the examination of the said witnesses arbitrarily on 19.06.2017.

3. Learned counsel for the respondents has obtained standing instructions from the respondents and submitted the same across the bar. As per the said instructions, applicant filed OA.297/2018 before this Tribunal with regard to the rejection of the appeal made to the DPS headquarters and that the said OA is pending. Respondents claim that the applicant is preferring bias against the Inquiry Officers only as a dilatory tactics. Charge sheet has been issued on 28.02.2017 and the case is being delayed from being finalized because of the bias petitions preferred by the applicant against the Inquiry Officers and against the orders of the Disciplinary/Appellate Authority on one pretext or the other.

4. Heard Dr.A.Raghu Kumar, learned counsel for the applicant and Mrs.K.Rajitha, learned Senior Central Government Standing Counsel for the respondents.

5. As seen from the records submitted, applicant has been proceeded against for misappropriation of deposits made in recurring deposit accounts and RPLI premium collection account. Respondents have issued charge memo to the applicant on 28.02.2017. Applicant requested for documents to be supplied for defending his case and without furnishing the documents IO and PO have been appointed. Respondents have also made certain changes to the listed documents / witnesses by issuing a corrigendum to the charge memo on 14.06.2017. Inquiry Officer appointed by the respondents was also changed on administrative grounds vide respondents memo dated 31.10.2018. Respondents have given the xerox copies of the documents listed in the charge memo. Applicant requested for showing the original documents. Without showing the original documents, respondents are proceeding with the inquiry. In all fairness, while conducting the inquiry, applicant should be given reasonable opportunity by furnishing all the relevant documents cited in the charge memo. By not furnishing the documents or showing the originals to the applicant, principles of natural justice would be grossly violated. Applicant is making a request to commence the inquiry from the stage of furnishing all the documents. The request is fair and genuine since the applicant has to go through the said documents to prepare his line of defence. The original documents if not supplied, at least they have to be shown to the applicant, so that he will be satisfied and prepare his defence. Rules provide for bias petitions to be moved against the Inquiry Officer when certain irregularities creep into in the inquiry procedure. In the present case such differences have

been noticed. Therefore, respondents are directed to conduct the inquiry from the stage of verification of documents and provide the applicant reasonable opportunity to defend his case.

6. Accordingly, OA is disposed of by directing the respondents to conduct inquiry as per the rules and regulations in accordance with law, from the stage of document verification. Incidentally it should also be mentioned that the learned counsel for the respondents has submitted that the applicant has not been cooperating with the Inquiry Officer by raising infructuous objections and delaying the inquiry. It was pointed out that the charge memo has been issued on 28.02.2017 and till now enquiry could not be completed because of the dilatory tactics of the applicant. Such an approach is not appreciated by this Tribunal. Applicant shall cooperate with the Inquiry Officer and seek redressal of any grievances within the ambit of rules and law.

7. With the above observations, OA is disposed of. There shall be no order as to costs.

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

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