

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

**Original Application No.020/0144/2018
Date of Order : 07.06.2019**

Between :

S.Murali Krishna, S/o Late M.Ayyanna,
Aged about 28 years, Occ : Postal Assistant Gr-C,
(Under the orders of suspension),
Aspari Sub Post Office, Under Adoni Head Post Office,
Kurnool District – 518 347.

... Applicant

And

1. The Union of India, rep. by
The Director General,
Department of Posts,
Dak Bhavan, Sansad Marg,
New Delhi -1.

2. The Chief Postmaster General,
Andhra Pradesh Circle, Vijayawada-13.

3. The Postmaster General,
Kurnool Region, Kurnool – 518 001.

4. The Director of Postal Services,
O/o Postmaster General,
Kurnool Region, Kurnool – 518 001.

5.The Superintendent of Post Offices,
Kurnool Division, Kurnool – 518 001.

... Respondents

Counsel for the Applicant	...	Dr.A.Raghu Kumar, Advocate
Counsel for the Respondents	...	Mrs.Megharani Agarwal, Addl.CGSC

CORAM:

Hon'ble Mr. Justice L. Narasimha Reddy	...	Chairman
Hon'ble Mr. B.V. Sudhakar	...	Member (Administrative)

ORAL ORDER

[As per Hon'ble Mr. Justice L. Narasimha Reddy, Chairman]

The applicant was placed under suspension on 23.03.2013 in contemplation of disciplinary proceedings, while he was working as Postal Assistant in the Department of Posts. A charge memo was issued on 31.08.2015 alleging that fraudulent NREGS withdrawals have taken place and the applicant was found to be responsible for the same. The suspension is being extended from time to time. This OA is filed challenging the action of the respondents in placing him under suspension and extending it over the past few years. It is stated that whatever may have been the justification to suspend him on 23.03.2013, there was no basis for continuation of the suspension for years together, even after the charge memo was issued on 31.08.2015. It is also stated that the continued suspension of the applicant beyond three months is contrary to Rule 10 of the CCS (CCA) Rules and the judgement of the Hon'ble Supreme Court in the case of ***Ajay Kumar Choudhary Vs. Union of India through its Secretary & another [Civil Appeal No. 1912 of 2015 arising out of SLP No. 31761 of 2013]***.

2. The respondents filed a counter affidavit opposing the OA. It is stated that a criminal case is pending against the applicant based on the same set of facts and evidence. According to the respondents, the suspension is being extended in accordance with the relevant provisions of law, and public interest

demands the same.

3. We heard Dr.A.Raghu Kumar, learned counsel for the applicant and Mrs.Megharani Agarwal, learned standing counsel for the respondents.

4. The allegations against the applicant are indeed serious. The Articles of charges contained in memo dated 31.08.2015 reads as under :

Article – I

The said Sri S.Murali Krishna, PA (Under Suspension) Adoni HO while working as SPM, Aspari SO on deputation during the period from 25.10.2011 to 24.11.2011 has requisitioned cash of Rs.7,50,000/- on 09.11.2011 towards NREGS payments of BOs without any receipt of related cheques / pay orders from the MPDO, Pattikonda /Aspari and purportedly shown to have paid NREGS withdrawal of Rs.7,48,300/- at Atikelagundu BO a/w Aspari SO on 12.11.2011 and thus violated the instructions issued vide SPOs letter Tech/APREGS/2006 dated 31.10.06 and also Rule 103 of FHB Volume I.

Therefore, it is alleged that the said Sri S.Murali Krishna, PA (Under suspension), Adoni HO failed to maintain absolute integrity and devotion to duty as required under Rule 3(1)(i) and Rule 3(1)(ii) of CCS (Conduct) Rules 1964.

Article-II

The said Sri S.Murali Krishna, PA (Under suspension) Adoni HO while working as SPM, Aspari SO on deputation during the period from 28.12.12 to 08.03.12 and from 07.06.12 to 04.08.12 has requested for supply of cash of Rs.8,00,000/- on 02.03.12 and Rs.5,70,000/- on 25.07.12 towards NREGS payments at Joharapuram BO a/w Aspari SO without verifying the receipt of cheques / pay orders relating to these NREGS payments from the MPDO, Aspari and thus violated the instructions issued vide SPOs, Kurnool letter No.Tech/APREGS/2006 dated 31.10.06.

Therefore, it is alleged that the said Sri S.Murali Krishna, PA (under suspension), Adoni HO failed to maintain absolute integrity and devotion to duty as required under Rule 3(1)(i) and Rule 3(1)(ii) of CCS (Conduct) Rules, 1964.

5. The allegations against the applicant are serious in nature. Therefore, suspension is certainly warranted. However, once the charge memo is filed, the issue needs to be examined from the practical point of view. The reason is that unless there exists a clear threat or a strong reason, public funds cannot be wasted for payment of subsistence allowance, which becomes almost on par with the regular salary, as and how time progresses. Instead, work can be extracted from the applicant by ensuring that he will not be assigned with any focal positions.

6. We, therefore, dispose of the OA directing that the respondents shall consider the feasibility of reinstating the applicant into service in the next review and to assign him the duty which does not involve in handling of cash transactions in whatever manner. There shall be no order as to costs.

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

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

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