

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 20-08-2015

CORAM

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

AND

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

WRIT PETITION No.8404 OF 2015

S.Madheswaran

Petitioner

-vs-

- 1.The Registrar,
Central Administrative Tribunal,
Madras Bench,
Chennai-600 104.
- 2.Union of India, represented by
Director General,
Department of Posts,
Dak Bhavan,
New Delhi-110 001.
- 3.Postmaster General,
Western Region,
Coimbatore-641 002.
- 4.The Director of Post Services,
O/o.Postmaster General,
Western Region,
Coimbatore-641 002.
- 5.The Senior Superintendent of Post Offices,
Salem East Division,
Salem-636 001.

Respondents

Writ Petition has been filed, praying for issuance of a writ of certiorarified mandamus, to call for the records of the first respondent, relating to the impugned order dated 08.01.2015 in O.A.No.127 of 2014, and quash the same and direct the respondents 2 to 5 to pay all retiral benefits like DCRG, commutation etc., to the petitioner, along with interest @ 18% p.a.. from the date it has fallen due.

For petitioner : Mr.P.R.Satyanarayanan
For respondents 2 to 5 : Mr.K.Raju,
Central Govt.Standing Counsel.

O R D E R

(Order of the Court was made by S.Manikumar,J.)

<https://hcservices.ecourts.gov.in/hcservices/>

The material on record would disclose, that for certain

allegations, the petitioner was suspended on 31.12.2010, the day on which, he attained the age of superannuation. Thereafter, a charge memo was issued in proceedings No.INV/Misc/dlgs/10-11, dated 31.12.2010. Questioning the correctness of the proceedings in the Charge Memo, an application vide O.A.No.127 of 2014 under Section 19 of the Administrative Tribunals Act, 1985, was filed, before the Central Administrative Tribunal, Madras Bench.

2. The main contention of the writ petitioner/applicant before the Tribunal was, that after retirement, without there being a Presidential sanction as per Rule 9 (6) (a) of CCS (Pension) Rules, 1972, no charge memo can be framed by the disciplinary authority. In other words, according to him, no disciplinary proceedings can be initiated without a Presidential sanction, after retirement.

3. Per contra, placing reliance on Rule 9 (6) (a) of CCS (Pension) Rules, 1972, the respondents have contended that on 31.12.2010 afternoon, before superannuation, the applicant was placed under suspension vide charge memo dated 31.12.2010, and, therefore, the disciplinary proceedings are deemed to have been initiated on the date of suspension and, hence, the disciplinary authority had competence to frame the charges.

4. Accepting the contentions of the respondents, the Central Administrative Tribunal, Madras Bench, by an order, dated 08.01.2015, has dismissed the Original Application, against which, the present Writ Petition is filed.

5. Today, when the matter was called in the forenoon, submissions have been made, assailing the correctness of the order made in the Original Application. Thereafter, the matter was passed over.

6. In the afternoon, on instructions from the Assistant Superintendent, Legal, Postal Department, Mr.K.Raju, learned Central Government Standing Counsel, appearing for respondents 2 to 5, has submitted that the Department has dropped the charges impugned in the Original Application against the petitioner.

7. Though Mr.P.R.Satyanarayanan, learned counsel for the petitioner, has submitted that four years have elapsed, ever since the date of suspension of the petitioner and prayed the Court to adjudicate and record a reasoned decision, on the jurisdiction of the authority to initiate disciplinary proceedings on the facts pleaded, we are of the view, that this is not a matter, where time requires to be spent. Academically also, it is not very important, at this juncture.

8. At this juncture, all that we say is, as the charges have now been dropped against the petitioner, the respondents/department should pay all his retirement benefits, such as, DCRG, Commutation etc., promptly. Though the petitioner has sought for interest at the rate of 18 % per annum on DCRG and Commutation from the date they have fallen due, we are not inclined to pass any orders on that. Instead, with regard to payment of interest, we leave it open, to be raised by the petitioner, before

the respondents, who, shall consider the same and pass appropriate orders thereon, in accordance with law.

9. Learned counsel for the petitioner submitted that though the retirement benefits have already been sanctioned, the same are not disbursed, as disciplinary proceedings were initiated in 2010, and, by now, five years have lapsed.

10. Considering the period spent in litigation by the petitioner in facing the disciplinary proceedings, which are now dropped, we direct the respondents to disburse the retirement benefits of the petitioner as expeditiously as possible, at any rate, not later than six weeks from today.

11. Writ Petition is disposed of accordingly. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

dixit

To

1.The Registrar,

Central Administrative Tribunal,

Madras Bench,

Chennai-600 104.

2.Union of India, represented by

Director General,

Department of Posts,

Dak Bhavan,

New Delhi-110 001.

3.Postmaster General,

Western Region,

Coimbtore-641 002.

4.The Director of Post Services,

O/o.Postmaster General,

Western Region,

Coimbatore-641 002.

5.The Senior Superintendent of Post Offices,

Salem East Division,

Salem-636 001.

1 cc to Mr.K.Raju, , Advocate Sr.No.44482

1 cc to Mr.P.R.Satyanarayanan , Advocate Sr.No.44337

W.P.No.8404/2015

lrs(co)

pmk.9.9.2015

<https://hcservices.ecourts.gov.in/hcservices/>