

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

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AND

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THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

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WRIT PETITION No. 39071 of 2015

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ORDER: (per Hon'ble Sri Justice G. Chandraiah)

This writ petition is filed for a Writ of Certiorari calling for the records pertaining to the orders dated 02.11.2015 in MA No.020/00865/2015 in OA No.373/2013 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, and set aside the same, and direct the respondent-authorities to reinstate the petitioner. The petitioner herein is the applicant and the respondents herein are the respondents before the Tribunal. For the sake of convenience, the parties will be referred to as they were arrayed before the Tribunal.

2. Brief facts of the case are as follows:

The applicant was appointed as Grameen Dak Sevak Packer in June 2001, at Yelleswaram Sub Post Office. He was issued with an order placing him under "put off" vide orders dated 31.10.2012 stating that disciplinary proceedings are contemplated against him, but neither he was issued a charge sheet nor paid "put off" allowance even though five months have elapsed, and the respondents have not even considered reviewing the put off. Though the applicant requested the authorities to review the put off and pay him allowance, the respondent authorities have remained silent and the applicant also made representations to that effect, but in vain.

At the hearing before the Tribunal, the applicant referred to the relevant Rules showing if a Grameen Dak Sevak is placed under put off, review should be done if the put off period is exceeding 90 days and

the Dak Sevak should also be paid allowance. The applicant prayed the Tribunal to dispose of the OA itself directing the respondents to complete the departmental proceedings within a time frame. The Senior Central Government Standing Counsel who represented the respondents before the Tribunal stated no objection to the prayer made by the applicant at the hearing.

The Tribunal, after hearing both the sides, by its orders dated 31.10.2014, disposed of the OA with a direction to the respondent authorities to conclude the departmental proceedings within 45 days from the date of the order, and in case if the respondent authorities fail to pass orders within the said period, the applicant shall be reinstated into service. As the respondent authorities failed to comply with the orders, the applicant moved a contempt application in CA No.40 of 2015. Subsequently, the respondent authorities filed an application in MA No.020/00291/2015 seeking extension of time for complying with the orders dated 31.10.2014. The Tribunal by its orders dated 27.03.2015 extended the time by 4 weeks for compliance. The respondent authorities fixed the schedule for enquiry after the lapse of four weeks time granted by the Tribunal. Assailing the action of the respondents and contending that the respondents have no power to conduct enquiry after the lapse of time, the applicant filed OA No.641 of 2015 challenging the disciplinary proceedings initiated against him in the Charge Memo dated 09.12.2014. The Tribunal stayed the charge memo and the disciplinary proceedings. The respondent authorities filed two more miscellaneous applications in OA No.373 of 2013. MA No.612 of 2015 seeking condonation of delay, and MA No.693 of 2015 for extension of time by two more months w.e.f 05.05.2015. The applications came to be allowed by the Tribunal. Thereafter, the respondents filed one more application in MA No.865 of 2015 seeking extension of time by six months from 01.11.2015 to complete the enquiry and pass final orders. The Tribunal granted further extension

as prayed by the respondents.

3. Heard learned counsel for the petitioner and the learned Standing Counsel for respondents 1 to 5. None appeared for the 6th respondent.

4. Learned counsel for the petitioner/applicant submits that the Tribunal has, in the first instance, passed orders in the OA No.373 of 2013 directing the respondents to conclude the departmental proceedings against the petitioner and pass orders within 45 days. But, thereafter, the respondent authorities have started filing one application after another seeking further extensions of time, and the Tribunal has last extended the time for compliance of its orders dated 31.10.2014, by two more months and passed the following order on 02.11.2015:

“Mrs. K. Rajitha, learned Senior Central Government Standing Counsel for MA applicants and Mrs. S. Anuradha, learned counsel for MA Respondent present.

2. MA allowed by granting two months time from today for implementing the order dated 31-10-2014 passed in OA No.373/2013.”

5. As could be seen from the above order of the Tribunal, it cannot be said that the said order was passed without the representation of the counsel for the applicant. Therefore, it does not amount to violation of principles of natural justice. The second submission of the petitioner's counsel is that a plethora of applications are being filed by the respondent authorities seeking extension of time for complying with the orders dated 31.10.2014 in OA No.373 of 2013 and the Tribunal is going on allowing the applications and there is no end for it, and therefore the impugned orders are bad.

6. It is not in dispute that a Contempt Application in CA No.40 of

2015 is pending before the Tribunal. The contempt was filed by the petitioner herein complaining non-compliance of the orders dated 31.10.2014 by the respondent authorities; and therefore we deem it appropriate to dispose of this writ petition by granting liberty to the petitioner to take appropriate steps to get the contempt application listed before the Tribunal and bring to the notice of the Tribunal the inordinate delay being caused by the respondents in implementing the orders dated 31.10.2014 in OA No.373 of 2013 and also the injustice that is caused on account of the delay.

7. The writ petition is, accordingly, disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

G. CHANDRAIAH, J

U. DURGA PRASAD RAO, J

07th December, 2015
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