

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2018
CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.6423 of 2016

P.Swaminathan

... Petitioner

-VS-

1.The Union of India, rep.by
The Postmaster General,
Western Region, Tamil Nadu,
Coimbatore-641 002.

2.The Director of Postal Services,
Western Region, Tamil Nadu,
Coimbatore-641 002.

3.The Senior Superintendent of Post Offices,
Tirupattur Division,
Tirupattur-635 601.

4.The Registrar,
Central Administrative Tribunal,
Chennai Bench, High Court Campus,
Chennai-600 104.

...Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari calling for the records connected to the order in O.A.No.160 of 2010 dated 20.03.2013 and in M.A.No.753 of 2014 dated 06.08.2015, passed by the fourth respondent and quash the same.

For Petitioner :: Mr.M.Gnanasekar

For Respondents:: Mr.A.K.Manojkumar,
Central Govt.Standing Counsel
for R1 to R3

ORDER

(Made by HULUVADI G.RAMESH, J.)

The petitioner, who was serving as Postal Assistant in Tiruvannamalai Division was placed under suspension on 05.06.2000. Disciplinary Proceedings was initiated under Rule 14 of the CCS (Discipline & Appeal) Rules and three charges were framed. The matter culminated in the issuance of an order dismissing the petitioner from service. An appeal preferred by the petitioner to the first respondent was also rejected. Hence,

the petitioner challenged the order dismissing him from service, dated 17.11.2008 before the Central Administrative Tribunal, Chennai Bench, the fourth respondent herein in O.A.No.160 of 2010. The Tribunal, after considering the facts and circumstances of the case, dismissed the original application on 20.03.2013. The petitioner also filed a miscellaneous application before the Tribunal to condone the delay of 521 days to file a review application for review of the order dated 20.03.2013. The said miscellaneous application was also dismissed. Hence this writ petition.

2.The learned counsel for the petitioner has submitted that the second respondent has passed the dismissal order dismissing the petitioner from service without considering the valid points that have been narrated by the petitioner in his defence. Further, there was an inordinate delay in conducting the proceedings.

3.The learned Central Government Standing Counsel appearing for the respondents 1 to 3 has submitted that the Tribunal has considered the matter in proper perspective and has passed the impugned orders and hence the same does not require any interference in the hands of this Court. He further vehemently submitted that the petitioner had committed misappropriation 383 times and hence no leniency has to be shown to the petitioner.

4.Heard the learned counsel on either side and perused the materials available on record.

5.As per the submission made by the learned Central Government Standing Counsel, the petitioner had committed misappropriation 383 times. However, according to the learned counsel for the petitioner, there was inordinate delay and that only an amount of Rs.45,000/- was due.

6.In view of the submission made by the learned Central Government Standing Counsel for the respondents 1 to 3 that the petitioner had committed misappropriation 383 times, this Court is of the view that no leniency has to be shown to the petitioner, on the ground of delay. This writ petition is devoid of merits and it is dismissed accordingly. No costs.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

KM

To

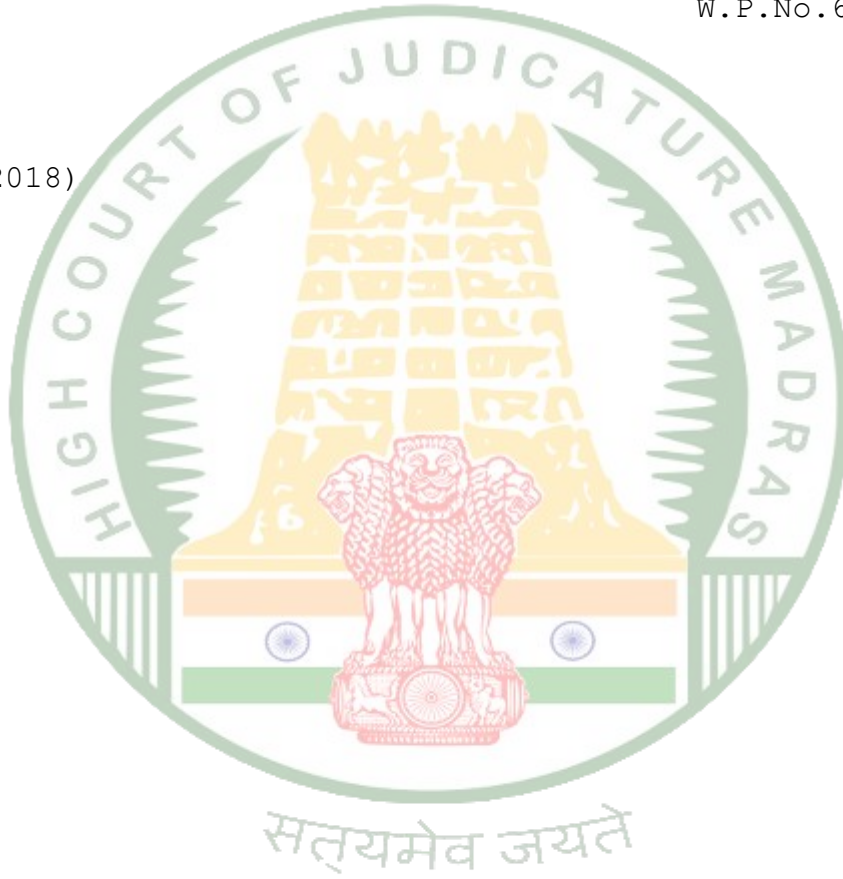
1.The Registrar,
Central Administrative Tribunal,
Chennai Bench, High Court Campus,
Chennai-600 104.

+1 CC to Mr.A.K. Manoj Kumar, Advocate sr 52167.

+1 CC to Mr.M. Gnanasekar, Advocate sr 53181.

W.P.No.6423 of 2016

SJ(CO)
SP(16/08/2018)



WEB COPY