

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE PULLA KARTHIK

Writ Petition No.18254 of 2005

ORDER: *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking a *Writ of Certiorari* by calling for the records relating to and connected with the order dated 03.03.2005 passed in O.A.No.910 of 2002 by the Central Administrative Tribunal, Hyderabad **(for short, 'the Tribunal')**; to set aside the proceedings No.F3.1/98-99/KW dated 22.06.2000 passed by the 1st respondent, imposing a penalty of removal from service, and also Order No.ST/16-HD/12-2000 dated 16.02.2001 passed by the 2nd respondent as well as Order No.ST/13-1/2001 dated 10.10.2001 of the 3rd respondent, and to quash or set aside the same by holding them as arbitrary, illegal, unjust and violative of principles of natural justice and also violative of Article of the Constitution of India; and consequently, direct the respondents to reinstate the petitioner into service with all consequential benefits including monetary and seniority.

2. Heard Mr. Goda Siva, learned counsel appearing on behalf of Ms. Goda Ramalakshmi, learned counsel for the petitioner; and Ms. Anjali Agarwal, learned Standing Counsel representing

Mr. Gadi Praveen Kumar, learned Dy. Solicitor General of India,
for the respondents.

3. Learned counsel for the petitioner contended that petitioner was working as 'Extra Departmental Branch Postman' with the respondents for more than twenty years; during the course of employment, the respondents have alleged that petitioner has not disbursed the Money Order (M.O.) to the beneficiary whereby a charge-memo dated 05.03.1999 was issued to the petitioner; when the petitioner denied the said charge levelled against him in the Charge-Memo, an Inquiry Officer was appointed and a regular enquiry was conducted; the Inquiry Officer, without following the procedure as per Rules, had mechanically filed a report holding that the charges levelled against the petitioner as 'proved'; basing upon the defective report of the Inquiry Officer, the disciplinary authority imposed a punishment of removal from service on the petitioner vide order dated 22.06.2000; aggrieved thereby, the petitioner unsuccessfully preferred appeal and revision and later, challenged the same before the Tribunal by filing O.A.No.910 of 2002; and the Tribunal, vide order dated 03.03.2005, was pleased to dispose of the O.A. without appreciating any of the contentions raised by the petitioner.

4. Learned counsel for the petitioner further contended that the Money Order was delivered to the beneficiary, and the signature of beneficiary was also taken; and that after delivering the amount, the hand loan taken by the beneficiary was refunded to the petitioner; this fact was not taken into account by the Inquiry Officer, and the Tribunal has also not examined the case and straightaway came to the conclusion that the inquiry was conducted as per the Rules, and mechanically dismissed the O.A.; and therefore, prayed this Court to pass appropriate orders in the Writ Petition by setting aside the order passed by the Tribunal in O.A.No.910 of 2002, dated 03.03.2005 as well as the order of removal dated 22.06.2000, and consequently to set aside the order passed by the appellate authority as well as the revisional authority and direct the respondents to reinstate the petitioner into service, and allow the Writ Petition.

5. On the other hand, learned Standing Counsel appearing for the respondents, contended that the charges levelled against the petitioner were held to be proved in the domestic enquiry, and the disciplinary authority had imposed a punishment of removal from service for the proven misconduct and opportunity also was given to the petitioner in the domestic enquiry; these facts were considered by the Tribunal, and the

Tribunal had rightly dismissed the O.A.; and therefore, contended that there are no merits in the Writ Petition and the same is liable to be dismissed.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that the Tribunal was justified in dismissing the O.A. with a specific observation that the enquiry was conducted as per Rules and opportunity was also given to the petitioner. Therefore, this Court is not inclined to interfere with the order passed by the Tribunal in O.A.No.910 of 2002, dated 03.03.2005.

7. Accordingly, the Writ Petition is dismissed. No costs.

8. As a sequel, miscellaneous applications pending if any in this Writ Petition, shall stand closed.

ABHINAND KUMAR SHAVILI, J

PULLA KARTHIK, J

Date : 23.01.2023
Ndr