

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/633/2021

HYDERABAD, this the 10th day of November, 2021



Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member

T.V. Bhaskara Rao, S/o. Trimurthulu,
Aged about 41 years,
Occ: Postal Assistant (Group. C),
Somajiguda Sub Post Office,
Hyderabad – 500 082.

....Applicant

(By Advocate: Sri KRKV. Prasad)

Vs.

1. Union of India rep. by
Director General,
Department of Posts, Sansad Marg,
New Delhi – 1.
2. The Chief Post Master General,
Telangana Circle, Hyderabad- 1.
3. The Director of Postal Services,
O/o. Post Master General,
Hyderabad Head Quarters Region,
Dak Sadan, Abids, Hyderabad – 1.
4. The Senior Superintendent of Post Offices,
Hyderabad City Division, Hyderabad – 1.
5. Sri D. Sattaiah,
Superintendent of Post Officers/Inquiry Officer,
Karimnagar Sub-Division,
Karimnagar, Telangana - 505 001.

....Respondents

(By Advocate : Sri R.V. Mallikarjuna Rao, Sr. PC for CG)

ORAL ORDER
(As per Hon'ble Mr. Ashish Kalia, Judl. Member)

Through Video Conferencing:

Heard Sri KRKV Prasad, learned counsel for the applicant and Sri R.V.

Mallikarguna Rao, learned Senior Panel Counsel for the respondents.



2. The OA is filed seeking the following relief:

“to call for the records pertaining to Memorandum dated 13.03.2019 r/w Letter No.Vig/DM/RC-09(A)-2017/TV Bhaskar/R-14 dated at Hyderabad-1 the 14.09.2021 and declare the action of the respondents in proceeding with the disciplinary case against the applicant without reviewing the situation as per the direction of the Hon'ble High Court when Criminal trial on the very same allegation has not progressed due to the factors beyond the control of the applicant, as illegal, arbitrary; and direct the respondents not to proceed with the disciplinary proceedings initiated vide the said Memorandum dated 13.03.2019 till finalization of the criminal trial in CC No.12 of 2018 on the file of the Hon'ble Principal Special Judge for CBI Cases, Hyderabad, duly setting aside and quashing the letter dated 14.09.2021 and pass such other order or orders as may deem fit and in the interest of justice.”

3. The Hon'ble High Court has passed the following orders in WP Nos.

10451 & 10471 of 2020:

“In view of the law laid down by the Hon'ble Supreme Court as well as clause 81 of the Postal Manual, we are of the opinion that the disciplinary proceedings needs to be postponed pending criminal proceedings. The Office Memorandum dated 01.08.2007 also makes it mandatory that if the charge in the criminal case is of a grave nature which involves complicated questions of law and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case. These aspects were not considered by the

competent authority before initiating disciplinary proceedings. However, staying of disciplinary proceedings pending criminal proceedings will depend upon the facts and circumstances of each case.

In view of above facts and circumstances, we are of the opinion that the disciplinary proceedings may be kept in abeyance for a period one year keeping in view of the prevailing circumstances. The trial court is also to take steps for disposal of criminal case against petitioners, as already five witnesses were examined, as expeditiously as possible. In case, the criminal proceedings cannot be concluded within a period of one year, it is for the competent authority to once again review the situation and take a decision for continuation of disciplinary proceedings.

Accordingly, these writ petitions are allowed to the extent indicated above. There shall be no order as to costs. As a sequel thereto, miscellaneous applications, if any, pending in these Writ Petitions, shall stand dismissed.”



Thereafter, the Department was given liberty to proceed further in accordance with law. Now, the Departmental authorities have taken decision to continue the departmental proceedings. The applicant has approached this Tribunal challenging the same by stating that due to Covid-19 situation, proceedings in District Court have not moved further and, if the departmental proceedings are allowed to continue, then his rights will be affected. In terms of the judgments of the Hon'ble Supreme Court in ***Stanzen Toyotetsu India Private Limited Vs. Girish V & Ors on 21.1.2014*** and ***S.B.I & Ors vs Neelam Nag & Anr. [2016(9) SCC 491]***, though Departmental Proceedings as well as Criminal Proceedings can commence together, decision has to be taken by the concerned Courts on factual basis.

4. On the contrary, learned counsel for the respondents submits that sufficient time has already been granted to the applicant for pursuing his case and now, the department has decided to continue with the departmental proceedings.



5. After hearing counsels for the parties, we are of this view that, if time is extended for another year for conducting Criminal Proceedings before the District Court, it will suffice the purpose of justice. It is ordered accordingly. We hereby stay the departmental proceedings in terms of the judgement Hon'ble High Court for another one year. It is needless to say that if criminal proceedings are not culminated within this period, the department is free to proceed further in accordance with law.

6. With the above observation, the OA is allowed. No order as to costs.

(B.V. SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/al/