

CENTRAL ADMINISTRATIVE TRIBUNAL AHMEDABAD

Order Sheet

Item no.: 1
O.A./297/2022 (AHMEDABAD)
[INQUIRY]
Court No.: 1

No of Adjournment:

Order Dated: 10/08/2022

**MADHULIKA
Vs
POSTS**

For Applicant(s) Advocate : JOY MATHEW

For Respondent(s) Advocate :

Order of The Tribunal

Heard Shri Joy Mathew, counsel for the applicant.

In the instant OA, while the applicant was working as a Postal Assistant at Navsari HO, she was served with the charge memo dated 01.03.2019 (Annexure A/1) under Rule 14 of CCS (CCA) Rules, 1965. Since the applicant was on maternity leave and after resuming her duty, till date, no much progress took place in the departmental inquiry. Learned counsel for the applicant submits that main allegation levelled against the applicant is about imputation based on FSL report and in support of the said charge, no other material has been stated or relied upon by the departmental authority. This Tribunal held that in absence of any corroborative material or evidence, the written arguments accepted is not corroborative and sole evidence in OA No.223/2019 decided on 21.10.2021. The respondents Postal Department by accepting the said order, reinstated the applicant in the said OA, who was dismissed on the ground of imputation. Therefore, accepting FSL report, there is no other material on record to substantiate the charge memo. Hence, she challenged the same by way of filing of this OA under Section 19 of the A.T.Act, 1985.

Further, he submits that in a case of similarly placed Postal Assistant who was also served with the charge memo with identically alleged charge, the Chandigarh Bench of this Tribunal in OA No.105/2021 by way of grant of interim relief, directed the respondents to maintain '*status quo*' with respect to the departmental inquiry initiated against the applicant of the said OA. Based on the said order, this Tribunal has also passed identical order of interim relief and granted status quo with respect to the departmental inquiry initiated against the similarly placed Postal Assistant.

In view of the submission of the learned counsel for the applicant, Shri Joy Mathew submits that in the present OA, the applicant is also similarly placed employee and identical interim relief be granted.

Considering the aforesaid submissions and on perusal of the material on record, issue notice on the OA, returnable by 15.9.2022 and by way of interim relief, the respondents are directed to maintain '*status quo*' till the next date with respect to the departmental inquiry initiated against the applicant herein.

Direct service to the respondent No.5 is permitted.

Jayesh V Bhairavia
Member (J)

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