

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI**

O.A.No.210/210/00704/2015

Date of decision: 19.02.2020.

**CORAM:- R. VIJAYKUMAR, MEMBER (A) .
R.N. SINGH, MEMBER (J) .**

Pranjal Unmesh Kotkar @ ✖
Yogita Suryakant Tare
Designation on: Ex-Postal Assistant
Aged 39 years, residing at 19/4,
Sagar Sannidhya Chawl,
Mahim Causeway, Mahim,
Mumbai-400 016.
Office Address: Postmaster General,
Mahim Circle, Mahim, Mumbai.

... Applicant.

(By Advocate Shri S. R. Soni)

VERSUS.

1. Union of India
through its Joint Secretary,
Ministry of Communications and
Information Technology (India),
Having its office at Sanchar
Bhavan, New Delhi-110001.
2. The Director of Postal Services,
Mumbai Region, Mumbai-400 001.
3. Sr. Dy. Director (Admn.)
Mumbai GPO, Mumbai 400 001.
4. Sr. Superintendent of Post Offices,
Mumbai City, West Division,
Mumbai 400 014.

... Respondents.

(By Advocate Shri R. R. Shetty)

O R D E R (O R A L)Per: R.N. SINGH, MEMBER (J)

1. When the case is called out, Shri S. R. Soni, learned counsel appeared for the applicant.
2. Shri R. R. Shetty, learned counsel appeared for the respondents.
3. The matter is of the year 2015 and with the consent of the learned counsel for the parties, the OA is taken up for final hearing.
4. Heard the learned counsels for the parties.
5. This OA has been filed on 01.10.2015 under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"a. That this Hon'ble Tribunal be pleased to declare that the order of removal from service dated 28.09.2013 passed by the Respondent No.3 and order dated 25.05.2015 passed in appeal by the respondent no.2 respectively are bad in law, illegal and be set aside.

b. That the Respondent No.2 and d3 be ordered to withdraw and or cancel the impugned order of removal dated 28.09.2013 and the order dated 25.05.2015 passed in appeal with further direction to respondents herein to reinstate the applicant on the post of

documents to the concerned caste scrutiny committee for getting caste validation certificate. In view of these facts, the Competent Authority has initiated the Disciplinary Proceedings by issuance of Charge-memo dated 08/26/10/2009 (Annexure A-10). The Article of charge reads as under:

"Article-I

Smt. Prajal U Kotkar, (previously known as MS. Yogita S. Tare) an outsider candidate was appointed on 06.10.1998 as LRPA Worli Naka PO under reserved category as ST in Mumbai City West Division, Mumbai vide WB/2/9 CR/DIRECT/98-99 dated at Mumbai-05/10/1998 and was listed at serial no.11 in list the first page of the Service Book of the official was prepared accordingly.

The said Smt. Pranjal U. Kotkar was addressed time to time to submit the documents required for verification along with prescribed performa to the concerned Caste Scrutiny Committee. The said Smt. Pranjal U Kotkar did not submit the required documents to the concerned Caste Scrutiny Committee for getting caste validation certificate and thus failed to response office correspondence.

It is therefore, imputed that Smt. Pranjal U. Kotkar, PA, Grant Road PO, Mumbai 400 007 by not submitting required documents along with prescribed performa duly filled in to the concerned Scheduled Tribe Caste Scrutiny Committee for

verification, the official failed to respond to office correspondences and such acted in a manner which is unbecoming of a Govt. Servant contravening the provisions of Rule 3(1)(iii) of CCS (Conduct) Rule, 1964."

8. Subsequently, the Disciplinary Authority appointed IO and PO and the inquiry was conducted by the inquiry officer. The learned counsel for the applicant submits that the inquiry officer vide his report dated 12.03.2013 (Annexure R-5) returned the findings as under:

"Based on the above discussion and observation and taking into account all relevant documentary proofs, the written brief of the PO and written Brief of the CO, I declare that the Charge under **Article-1** of the Charges of Memo No WV/75/Disc/PUK/2009-2010 dated 26.10.2009 against the Charged Official as adequately **PROVED.**"

9. The learned counsel for the applicant submits that in response to the said inquiry report, the applicant submitted his defence statement before the Disciplinary Authority and thereafter the Disciplinary Authority has passed the impugned orders of penalty i.e. removal from service vide order dated 28.09.2013 (Annexure A-2). On appeal from the applicant the same was

considered by the Appellate Authority. However, the Appellate Authority has rejected the appeal vide order dated 25.05.2015 (Annexure A-1).

10. The only argument advanced on behalf of the applicant by his counsel is that the present case is mere negligence at the end of the applicant in submitting the documents to the concerned caste scrutiny committee for getting the caste validation certificate. However, he very fairly admits that the applicant has not submitted the said application or documents to the respondents even till date. He further fairly submits that a few judgments refereed to by the applicant to substantiate his claim in the OA have since been overruled. It is further noted that the applicant has appointed in service against a post meant for ST category candidate way back on 06.10.1998.

11. However, not only at the time of the initiation of the Disciplinary Proceedings or even during the enquiry proceedings or thereafter the applicant has failed to submit the requisite documents before the respondents, the concerned authority or before he has not

placed the same even before this Tribunal till date.

12. In response to notice from this Tribunal, the respondents have filed reply and has opposed the claim. The learned counsel for the respondents submits that no case has been made out by the applicant warranting interference by this Tribunal in exercise of power of Judicial review.

13. In the facts and circumstances, we do not find any merit in the OA and the same is accordingly dismissed.

14. However in the facts and circumstances, no order as to costs.

(R. N. Singh)
Member (J)

(R. Vijaykumar)
Member (A)

V.

JD
24/02/2020