

Central Administrative Tribunal, Principal Bench

Original Application No.992 of 1996

New Delhi, this the 14th day of February, 2000

Hon'ble Mr. S. R. Adige, Vice Chairman(A)
Hon'ble Mr. Kuldip Singh, Member (J)

Shri Lakhi Ram S/o Shri Bhay Ram
retired Lower Selection Grade Postal Assistant in
New Delhi Head Post Office,
r/o New Delhi, address for service of notices,
c/o Shri Sant Lal, Advocate, C-21(B)
New Multan Nagar, Delhi-110056 - Applicant

(By Advocate - Shri Sant Lal)

Versus

1. The Union of India, through the Secretary,
Ministry of Communications,
Department of Posts,
Dak Bhawan, New Delhi-110001
2. The Member(Personnel),
Postal Services Board,
Dak Bhawan, New Delhi-110001
3. The Director Postal Services,
O/o The Chief Post Master General
Delhi Circle, Meghdoot Bhawan,
New Delhi-110001
4. The Chief Post Master,
New Delhi Head Post Office,
New Delhi-110001 - Respondents

(By Advocate - Shri Madhav Panikar)

O R D E R (ORAL)

By Hon'ble Mr. S. R. Adige, Vice Chairman(A)

1. The applicant impugns disciplinary authority order dated 17.12.94 (Annexure A-1) and the appellate order dated 3/17.4.95 (Annexure A-2).

2. Applicant was proceeded against under Rule 16 of CCS (CCA) Rules, 1965 on the allegation that on 2.9.94, while working as Mail Clerk, he did not himself close 'R' bags into 'D' bags and he got them closed through the Packer of his Branch, which led to

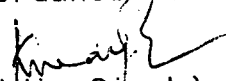
the wrong despatch/delivery of bags and delay in despatch of postal articles. An explanation was called for from the applicant, on receipt of which and after consideration of the same, the Disciplinary Authority ordered applicant's next increment falling due on 1.5.95, be withheld for a period of three months without any cumulative effect, and applicant's appeal against the same was rejected by the impugned order dated 3/17.4.95

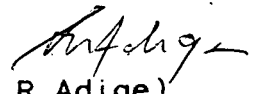
3. Applicant has taken various grounds in the O.A. One of the grounds taken by him is that the impugned penalty remained operative upto 31.7.95 which falls within last ten months of his service before his retirement on superannuation on 31.1.96 and has, therefore, adversely affected his pension. He has relied upon rule 16 (1-A) of CCS (CCA) Rules which lays down that if an order made under Rule 16 of CCS (CCA) Rules³ withholding increment is likely to affect adversely the amount of pension payable to the Government servant, an enquiry is mandatory in the manner laid down under Rule 14 of CCS (CCA) Rules, before imposing the penalty.

4. Admittedly, in the present case, no enquiry under Rule 14 of CCS (CCA) Rules was held and in the circumstances, the impugned orders cannot legally sustain. This O.A., therefore, succeeds and allowed to the extent that the impugned orders dated 17.12.94 and 3/17.4.95 are quashed and set aside. Applicant should be restored the increment withheld as a result

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of the impugned orders together with arrears and his retiral benefits should be recalculated and paid to him with arrears within 4 months from the date of receipt of a copy of this order. It will be open to the respondents to proceed ^{against applicant} in the matter in accordance with law. No costs.


(Kuldip Singh)
Member(J)


(S.R. Adige)
Vice Chairman(A)

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