

Central Administrative Tribunal  
Principal Bench

O.A. No. 316 of 1997

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New Delhi, dated this the 20<sup>th</sup> October, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Ms. Prem Lata Bhalla,  
D/o Shri K.L. Bhalla,  
Postal Asst.  
R/o AD Block, A-3, Shalimar Bagh,  
Delhi.

.. Applicant

(By Advocate: Shri Sant Lal)

Versus

1. Union of India through  
the Secretary,  
Ministry of Communications,  
Dept. of Posts,  
Dak Bhawan,  
New Delhi-110001.
  2. The Chief Postmaster General,  
Delhi Circle,  
Meghdoot Bhawan,  
New Delhi-110001.
  3. The Director Postal Services (P),  
O/o the C.P.M.G., Delhi Circle,  
Meghdoot Bhawan,  
New Delhi-110001.
- .. Respondents

(By Advocate: Shri R.P. Aggarwal)

ORDER

MR. S.R. ADIGE, VC (A)

Applicant impugns respondents' order dated 18.12.92 (Annexure A-1); 24.12.93 (Annexure A-3) and 22.8.96 (Annexure A-4). She seeks restoration of pay in Lower Selection Grade with all consequential benefits.

2. Applicant was proceeded against departmentally under Rule 14 CCS (CCA) Rules vide Chargesheet dated 12.4.89 on the charges that

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- 1) While functioning as L.D.C., SBCO, Jullundar City Head Office on 20.2.88 not only did she keep away from the work of the seat allotted to her, but also indulged in useless discussion with others causing unnecessary disturbance on the smooth working of the section and also misbehaved with the Supervisor i/c of SBCO by using provocation language and throwing a chair upon him with the intention of causing injury.
- ii) While functioning in the aforesaid office on 23.2.88 she did not allow cross-examination, by refusing to answer question put to her by Shri J.K.Oberoi, P.R.I. (P) in the presence of another P.R.I. (P) Shri R.L. Anand.

3. The E.O. in his report (Annexure 2) held both charges as proved. A copy of the report was furnished to applicant vide letter dated 22.7.92 for representation, if any, and applicant submitted her representation on 22.8.92 (Annexure A-10).

4. After going through the materials on record, including applicant's representation, the disciplinary authority agreed with the E.O's findings and by impugned order dated 18.12.92 reduced applicant's pay from the stage of Rs.1640/- in L.S.G. of Rs.1400-2300 to Rs.975/- in the lower time scale of Rs.975-1660, until she was found fit after a period of five years from the date of the order to be restored to the higher grade of L.S.G.

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5. Applicant's appeal was rejected by order dated 24.12.93 and her revision petition by order dated 22.8.96 against which she has filed the present O.A. 10

6. We have heard applicant's counsel Shri Sant Lal and respondents' counsel Shri R.P. Aggarwal.

7. The first ground taken is that the Charge No.1 is vague in as much as the nature of the alleged useless discussions and the alleged disturbance to the smooth working of the office were not specifically spelt out, nor indeed the particulars of the alleged misbehaviour with the Supervisor Incharge or the provocative/abusive language used. The <sup>imputation</sup> ~~charge~~ against applicant was that on the relevant date she kept away from the work of the seat allotted to her and was talking on subjects unrelated to office work, and when the Supervisor Incharge asked her to go to her seat and look to her work, she abused him and threw a chair at him ~~causing~~ unnecessary disturbance in office work. In this background, mere non-mention of the details of the subjects on which applicant was talking, or the precise words of abuse that she used do not make the charge vague. Under the circumstances, the rulings in A. Chandra Vs. Div. Superintendent, Central Railway & Others 1982 (1) LCJ 7 and D.N. Pandey Vs. State of U.P. 1992 (2) SLJ 20 all relied upon by applicant which were handed down in the particular facts and circumstances of those cases do not advance applicant's contention.

Furthermore, we note that the charge was not confined to misconduct by merely talking on topics unconnected with work during office hours in the office room or even to use of abusive language, but extended to throwing a chair at the Supervisor Incharge. Hence this ground fails.

8. The second ground taken is that applicant was not given full opportunity to defend herself because the Sr. Post Master, Jalandhar City P.O. who came to the spot soon after the alleged incident and was cited as State witness was not produced before the E.O. ~~He~~ respondents did not think it necessary to produce him as a Prosecution Witness to tender evidence to establish their case, they could not be compelled to do so. It is for parties to produce their witnesses, and if applicant wanted him to depose in her favour as a defence witness<sup>1</sup>, it was her responsibility to produce him before the E.O. Respondents have stated in this connection that applicant was given two chances to arrange his presence, but she failed to do so. Hence this ground also fails.

9. It is next urged that this is a case of no evidence in respect of Charge No. 1. The E.O.'s report makes it amply clear that Charge No. 1 stands established on the basis of the testimony of witness. Hence this ground also fails.

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10. It is next urged that Charge No. 1 is false and concocted. This charge also stands proved on the basis of the evidence recorded during the course of the D.E. as is clear from the E.O's findings. Hence this ground also fails.

11. It has next been urged that the impugned punishment order by which reduction in rank as well as reduction in pay at the minimum of the pay scale of the lower post is violative of Rule 11 CCS (CCA) Rules, as it imposes not one but two punishments. There is nothing in Rule 11 CCS (CCA) Rules which prohibits the aforesaid punishment from being imposed and in fact it is only one and not two punishments. Hence this ground also fails.

12. It is next urged that the punishment is excessive. Considering the seriousness of the charge this ground is rejected.

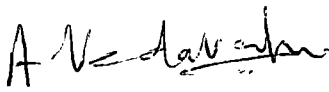
13. It has next been urged that the appellate and revisional orders are non-speaking orders and applicant was not given a personal hearing by the appellate authority. A mere glance at the appellate and revisional orders reveals that they are detailed and speaking orders and there is no request in applicant's appeal petition for a personal hearing despite which it was denied to her.


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14. In the result we do not find any illegality, irregularity, impropriety, or infirmity in the impugned orders which warrant our judicial intervention, and in the particular facts and circumstances of this case the ruling in JT 1997 (7) Page 384 Vishakha Vs. State of Rajasthan relied upon by applicant's counsel does not advance applicant's case.

15. The O.A. is dismissed. No costs.

  
(Dr. A. Vedavalli)  
Member (J)

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

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