

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 2194/1989.
T.A. No.

199

DATE OF DECISION 26-10-90

All India Saving Bank Control
Employees Association & Another Petitioner

Shri E.X. Joseph Advocate for the Petitioner(s)

Union of India and Others ^{Versus}
Respondent

Shri M.L. Verma Advocate for the Respondent(s)

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The Hon'ble Mr. P.K. Kartha, Vice Chairman(Judl.)

The Hon'ble Mr. D.K. Chakraverty, Member(Admn.)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal?

(Judgement of the Bench delivered by
Hon'ble Mr. D.K.Chakraverty, Member(A))

The applicant Association is a recognised body and represents all the non-gazetted employees of the Savings Bank Control Organisation - Internal Check Organisation(SBCO-ICO). The question for consideration is as to who should write the Confidential reports of the employees represented by the said Association.

2. Rule 11 of the CCS(CCA) Rules, 1965 enumerates the penalties - minor and major - that may be imposed on a government servant, Rule 12 deals with the disciplinary authorities. It stipulates, inter alia,

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that the President may impose any of the penalties specified in Rule 11 on any government servant. It is also provided that any of the penalties specified in Rule 11 may be imposed on a member of the Central Civil Service other than the General Central Service by the appointing authority or by the authority specified in the Schedule in this behalf or by any other authority empowered in this behalf by a general or special order of the President.

3. Prior to 8.7.89, in respect of the Ministerial staff in clerical grades in Savings Bank organisation in Head Post Offices including Central Control Organisation and in Internal Checking Organisation in circle offices in the Deptt. of Posts, Accounts Officer was competent to impose minor penalties. On 8.7.89, the Schedule to the CCS(CCA) Rules, 1989 were amended so as to provide that the Accounts Officer will no longer have such powers and that the Senior Supdt. of Post Offices, Chief Postmaster/Supdt. of Offices/Senior Postmaster working directly under Director of Postal Services will hence forward be competent to impose minor penalties on the ministerial staff. This is under challenge in the present application.

4. The applicants have contended that the impugned amended provisions are violative of articles

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14 and 16 of the Constitution in view of the fact that they are unfair and unreasonable. The staff concerned are entrusted with the duty of checking the accounts relating to Savings Banks of the very officers who have now been vested with the power to impose minor penalties on them. This will take away the sense of fearlessness and independence with which the staff concerned ought to perform their duties. The staff are only administratively under the Control of the Senior Superintendent of Post Offices, Chief Postmasters, Supdt. of Offices and Senior Postmasters and they have been working under the Accounts Officer who have effectively used his judgment in an objective manner in regard to the performance of the staff.

5. The contention of the respondents is that the operation of the new scheme/system is more efficient and economical and is in the interest of the Administration and the public at large. Prior to 1961, the Savings Bank Control Organisation was^a part of A.G.(P&T). This was an account-cum-audit mechanism. In the audit office, it used to maintain duplicate ledgers for all ^aaccounts in the Savings Bank and carry out the ^aledger agreements and other checking functions. Audit parties for Savings Bank used to inspect the Head Post Offices in the country regularly. In 1960,

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the then P & T Board decided to take over the Savings Bank Control work from the A.G.(P&T) and abolished the duplicate ledger cards maintained in Branch audit offices. Instead of this, Control organisation was attached to each of the Head Post Offices to act as Checking and Control organisation for Savings Bank transactions and functioning. This was found to be more efficient and economical. The staff of AG(P&T), who were doing audit work, was absorbed in the Deptt. of Posts and ceased to ~~work~~ be audit staff in their character and role. They are now an internal checking staff to assist the Deptt. in proper maintenance and rendering of Savings Bank accounts.

The administrative powers over the Savings Bank Control Organisation staff regarding appointment, transfer and posting, grant of leave etc. are exercised by the Director, Postal Services. The Accounts Officer, Internal Control organisation(SB) was assisting the Director of Postal Services in exercise of administrative/disciplinary powers. The AO, ICO(SB) was also made the immediate controlling officer and Disciplinary authority for the S.B.C.O. staff to impose minor penalties. Director, Postal Services was and is the Disciplinary authority for major penalties and also appellate authority for punishments awarded by the AO, ICO(SB). The control of the AO, ICO(SB) as immediate controlling authority did not work satisfactorily, as Accounts Officer remained

O.A-2194/89. at Circle/Regional Head-quarter away from the HPOs and concerned SBCOs and he used to visit the HPOs for inspection once or twice a year. According to the respondents, the monitoring and supervision over the staff working in SBCO Branches used to be very slack and Subsidiary Register were not checked and compared for months together "thereby giving enough time to miscreants at lower levels to commit fraud with impunity".

6. The respondents have referred to the appointment of ^a Committee to go into "Improvement in Savings Bank and Savings Bank Control Organisation" and a Pilot Project on computerisation and the report submitted by it in 1986. The Committee felt that the Divisional Superintendent is thwarted in his attempt to improve the performance of S.B. Branch by lack of proper control and disciplinary powers over the S.B.C.O. Control staff and if such powers are vested in Divisional Supdts/PMG, the performance of the Savings Bank is bound to improve. This is the background to the impugned amendment of the rules.

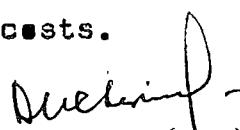
7. We have carefully gone through the records of the case and have considered the rival contentions. In our opinion, this Tribunal is not concerned with the wisdom or expediency of the rule framed by the government or the appointment or specification of a particular

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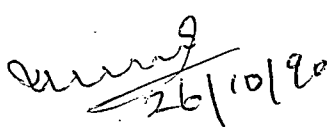
authority as the reporting authority to write Confidential reports in exercise of its power under the rule. After the audit staff have been absorbed in the Deptt. of Posts and the nature of duties performed by them is that of internal audit, it cannot be said that the superior officers in the Deptt. of Post are unaware of the work done by the audit staff and that they are not competent to assess their performance. We also do not think that the independence of the staff performing the audit work will necessarily be adversely affected if their Confidential reports are written by the superior officers of the Deptt. of Posts instead of by the Accounts Officer. At any rate, the admitted factual position is that so far as imposition of major penalty was concerned, the superior officers of the Deptt. of Posts were vested with this power under the unamended rule and the same is true of the amended rules. That being so, the amended provisions vesting in them the power to impose minor penalties on the audit staff cannot be termed as arbitrary or unjust.

There cannot be a presumption that the superior officers will exercise their powers arbitrarily and unreasonably,

8. In the light of the above, we see no merit in the present application and the same is dismissed at the admission stage itself, leaving the parties to bear their own costs.


(D.K. CHAKRAVORTY)
MEMBER (A)

Wx/ur.


(P.K. KARTHA)
VICE CHAIRMAN