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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI.

OA.No.1778 of 1988

Dated this the 7th January 1994.

Naresh Chandra Bharadwaj,
R/o Deputyganj near Kaushalya Girls
Inter College Moradabad,
Supervisor R.M.S. Moradabad Applicant

Versus

Union of India through

1. The Secretary,
 Ministry of Communication,
 Government of India,
 New Delhi.
2. The Superintendent R.M.S. SH Division,
 Saharanpur 247 001.
3. The Director Postal Services,
 Dehradun 248 001.

By Advocate Shri P.P. Khurana Respondents

JUDGEMENT(Oral)

(delivered by Hon. Member(J) Shri C.J. ROY)

This is an old matter coming since 1988. When the matter came up for final hearing today, neither the applicant nor his counsel entered appearance. The

applicant does not seem to evince any interest to prosecute this case. The matter was kept in board several times. Hence we proceed to decide this case on the basis of material available on record.

2. The fact of the case is that the applicant, a permanent Sorting Assistant, S.R.O. Moradabad while working as mail Agent in Moradabad RMS/2 on 17.2.85 received a Key Cover from Head Sorting Assistant RMS/1 duly sealed. He kept the key cover with him through out his duty hours i.e from 1800 hours to 0630 hours. On 18.2.85, on completion of his duty, he handed over the key cover to the Head Sorting Assistant RMS/1 Shri Munns Lal. After taking over the charge of bags, Shri Munna Lal found that the Key Cover was sealed with the metal token on the reverse side i.e. Ashok Ki Leat, instead of number side and that the stationary articles such as Jute, Twine ball, Sealing Wax and Tikli Coal was also found missing in the almirah. A complaint was made and the applicant was issued a charge sheet for gross sense of negligence and lack of devotion towards his duties contravening the provisions of Rule 3(i) (ii) and (iii) of CCS (Conduct) Rules, 1964. After the enquiry, the disciplinary authority imposed the penalty of stoppage of one next increment for 2-1/2 years without cumulative effect vide memo dated 27.3.87. Against this punishment, the applicant preferred an appeal which was considered and the Director Postal Services, Dehradun Division ordered a de nova enquiry and the applicant was proceeding afresh thereby confirming the above punishment imposed on him. On appealing again.

his punishment was reduced from stoppage of increment for 2-1/2 years to stoppage of increment for 2 years without cumulative effect vide order dated 20.5.88.

3. The respondents in their counter have stated that the applicant was charged for his lack of devotion towards his duties by not keeping the key cover safely in his custody and due to his negligence the stationary articles were lost from the Almirah of the Head Sorting Assistant M.Bad RMS/1. The charge is obviously for his negligence for keeping the key cover and not for recovery in lieu of the lost articles. The order of punishment was passed in accordance with the statutory rules after considering all aspects of the case. They further contend that showing the details of lost articles at the request of the applicant is not necessary when the charge is for negligence of duty.

4. After going through the records of the case, we find that even after conducting a de novo enquiry, the applicant was found guilty and the punishment imposed was later on reduced to ^{stoppage of increment} two years without cumulative effect on appeal preferred by the applicant as cited supra. Since the appellate authority has already taken a lenient view, we are not inclined to interfere with the punishment awarded by the respondents. The OA is dismissed as devoid of merit. No costs.

S.R. Adige
(S.R. ADIGE)
MEMBER(A)
7.1.94

C.J. Roy
(C.J. ROY)
MEMBER(J)
7.1.94