

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 23<sup>rd</sup> day of March 2001.

Original Application no. 651 of 1996.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member

Hon'ble Maj Gen K.K. Srivastava, Administrative Member

Chandrika Singh,  
S/o Sri Ram Kewal Singh,  
R/o Village Barachawar, Post & Distt.  
GHAZIPUR.

... Applicant

C/A Sri S.K. Verma

Versus

1. Superintendent of Post Office,  
Ghazipur Division,  
GHAZIPUR.

2. Post Master General,  
ALLAHABAD.

3. Postal Services Board,  
Dak Bhawan,  
Sansad Marg,  
NEW DELHI.

... Respondents

C/Rs Sri A. Sthalekar

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O R D E R

Hon'ble Maj Gen K.K. Srivastava, Member-A.

The applicant, Sri Chandrika Singh, has challenged the orders dated 25.10.94 (annexure 1) and 20.05.95 (annexure 2), by which he was dismissed from service and also the revisional order dated 16.02.1996 (annexure 3) by which he was compulsory retired from service.

2. The brief facts of the case are that the applicant was posted at Post Office Barachawar, Distt. Ghazipur. He was issued with a charge sheet on 02.03.94. After the departmental inquiry, the applicant was dismissed by disciplinary authority vide order dated 25.10.94. The applicant made an appeal to the P.M.G., Allahabad, which was also rejected vide his order dated 20.05.95. Revision was filed by the applicant to the Postal Services Board, Dak Bhawan, Sansad Marg, New Delhi. The Revisional Authority converted quantum of punishment from Dismissal to Compulsorily retirement vide order dated 16.02.96 (Annexure 3).

3. We have heard learned counsel for the parties and perused the record.

4. Three points were argued by the learned counsel for the applicant :

i. the complaint against him was not made by the depositor resulting into the issue of memo of imputation of misconduct and there was a conspiracy against him,

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ii. no notice was given to the applicant as to what punishment was to be inflicted upon the applicant and

iii. the punishment is excessive.

Learned counsel for the applicant has cited a case of the Apex Court reported in 1998 (6) SCC 651; State of U.P. Vs Shatrughan Lal and Others. In this case the Apex Court has held that "if charged employee is required to submit reply to charge sheet without having copies of the statements, he is deprived of opportunity of effective hearing. It has been further held that supply of copies is also necessary where witnesses making the statement are intended to be examined against him in regular enquiry."

5. Learned counsel for the respondents argued that it is immaterial as to who was the complainant. The charges of misconduct were proved beyond doubt and the punishment given was quite reasonable. However, taking a lenient view, Revisional Authority, reduced the punishment of dismissal to that of compulsory retirement.

6. We have considered the various arguments placed before us by the learned counsel for the parties and our findings are :

i. as regards the first point, it is wholly immaterial, as the applicant's conduct was a clear violation of the provision of Rule 31 (2) (ii) of Post Office Savings Bank Manual,

ii. as regards the second point that no notices

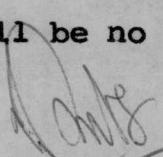
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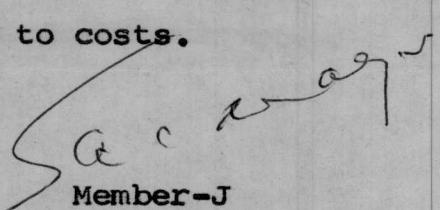
was given to him as to what punishment was to be inflicted upon the applicant under CCS (CCA) rules 1965, there is no requirement for giving a show cause notice to the delinquent employee informing him the nature of punishment to be imposed. The applicant was supplied the ~~copies~~ inquiry report as per rules against which he preferred a representation which was also duly considered by the Disciplinary Authority before passing a detailed order of dismissal from service. Hence, the case law cited by learned counsel for the applicant i.e. 1998 (6) SCC 651, State of UP Vs Shatrughan Lal and Others, is not applicable in this case.

iii. The third point regarding the excessiveness of the quantum of punishment, we have perused all the three impugned orders. The Revisional order dated 16.02.96, is a detailed order, Revisional Authority has considered the quantum of punishment which has been reduced from dismissal to compulsory retirement.

7. In view of the facts and circumstances that no procedural irregularity has been observed, neither there is denial of Natural Justice, principles of which have through out been followed by the authorities, we do not find any merit in the O.A., which is dismissed.

8. There shall be no order as to costs.

  
Member-A

  
Member-J

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