

**Reserved**

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**JABALPUR**

**Original Application No.822/2011**

Jabalpur, this Thursday, the 5<sup>th</sup> day of August, 2021

**HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**  
**HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER**



M.P.Dwivedi, son of Late Shri Ram Prasad Dwivedi  
Aged about 42 years, working as Postal Assistant  
On deputation, Head Post office, Satna(MP) **-Applicant**  
(By Advocate – **Ms. Malti Dadariya**)

**V e r s u s**

1. Union of India, Department of Posts,  
Through: Director General (Post), Dak Bhavan,  
New Delhi-110001

2. The Director, Postal Services, Office of  
Chief Post Master General, Madhya Pradesh Circle,  
Bhopal 462012

3. Superintendent of Post Offices  
Rewa Division, Rewa 486001 **- Respondents**

(By Advocate – **Shri Manish Chourasia**)  
(Date of reserving the order:-09.03.2021)

**O R D E R**

**By Ramesh Singh Thakur, JM:-**

By way of filing the present Original Application, the applicant is challenging the orders dated 13.07.2010 (Annexure A-1), wherein the applicant was charge sheeted under Rule 16 of CCS (CCA) Rules, 1965 and awarded punishment of reduction of pay by one stage from Rs. 13200/- to 12810/- for three years without cumulative effect &

order dated 27.04.2011 (Annexure A-2) by the appellate authority.

2. The applicant has prayed for the following relief in this Original Application:

**“8. Relief sought:**

(I) Hon’ble Tribunal may kindly be pleased to quash the impugned orders (Annexure A-1 & A-2) and the petitioner’s pay be restored in its original stage giving arrears of pay along with interest at the rate of 10% per annum thereon.

(II) Consequent fixation may also be ordered releasing all the increments due time to time during the pendency of the Original Application.

(III) Any other relief which this Hon’ble Tribunal deems fit in the facts and circumstances of the case may kindly be granted.”

3. Precisely the case of the applicant is that the applicant is working as Postal Assistant in Sub Post Office, Birsinghpur, District Satna. While working as Postal Assistant, he faced lot of problem due to unwarranted activities of some Gunda elements of the locality, where the post office was situated. He made repeated request for shifting the same for the reason that the building in which the post office was running was in a very bad condition. On 08.04.2010 some gunda elements of the locality entered into the sub post office, Birsinghpur and started misbehaving with the employees and with the applicant in the post office. A





threat was also given by the gunda elements to assault the employees of the post office. In order to avoid the mis-happening by gunda elements the applicant thought it proper to run the post office on 09.04.2010 & 10.04.2010 from his residence. The applicant immediately reported the incident not only to the police station but also to the Collector of the District and to the higher officers at Satna. As neither the police nor the higher officials have given any protection, therefore, it was not possible for the applicant to run the post office on the next date. It is relevant to mention here that all the employees of the post office had signed the report submitted by the applicant with regard to incident dated 08.04.2010. A copy of the report dated 08.04.2010 is filed at Annexure A-3. After receiving the intimation regarding the incident dated 08.04.2010 an enquiry was conducted by the Sub Divisional Inspector, Satna (II) and submitted its report but the copy of the report was not supplied to the applicant. The applicant was given a charge sheet dated 22.04.2010 (Annexure A-5) leveling the charge of not sending the data in computer on 09.04.2010, 10.04.2010 & 12.04.2010 and has committed violation of Rule 3 (1)(ii), 3(1)(iii) and 3(2)(i) of the CCS (CCA) Rules, 1964.



4. Being aggrieved by the order of punishment the applicant made an appeal before the Appellate Authority dated 27.08.2010 (Annexure A-9) specifying therein that the charges leveled against him is not justified as it does not construe any misconduct and under compulsion the post office was closed and was run from his residence on 09.04.2010, 10.04.2010 & 12.04.2010. The appeal was rejected by the respondent department vide order dated 27.04.2011 (Annexure A-2).

5. The respondents have filed their reply to the Original Application wherein in the preliminary submissions they have submitted that the applicant was posted as Sub Post master Birsinghpur, Satna w.e.f. 26.09.2009 to 01.05.2010. On 09.04.2010, 10.04.2010 & 12.04.2010 the applicant did not transmit the data on computer and closed the post office on the above dates without any information to higher authorities. The applicant was charge sheeted under Rule 16 of CCS (CCA) Rules, 1965 and awarded punishment of reduction of pay by one stage from Rs. 13200/- to 12810/- for three years without cumulative effect vide order dated 13.07.2010.

6. The respondents in their preliminary submissions have submitted that the applicant has his own house at



Birsinghpur and he wanted to shift the post office in his own house. Prior to this, the applicant has never reported regarding gunda elements at Birsinghpur. The other officials working at Birsinghpur have also not reported in this regard. On receipt of information from the applicant the matter was reported to concerned police station and SP police Satna. The Sub Divisional Inspector has visited the post office on 10.04.2010. The post office was closed. The S.D.I. has called the applicant from his house. The S.D.I. has not found such type of any incident in the post office. The inspector (Posts) who conducted the enquiry has not found incidence took place, as reported by the applicant. The applicant has closed the post office for three days, causing inconvenience to the public and loss to the Govt.

7. The applicant has filed the rejoinder to the reply filed by the respondents, wherein he re-iterated its earlier stand taken in the O.A. The applicant in his rejoinder submitted that on 08.04.2010 some gunda elements of the locality in which the post office was situated started misbehaving with the applicant and the other employees of the post office and created obstructions in smooth functioning of the post office and terrorize the applicant and other employees to make the

substantial damage to the property of the post office if it is not immediately closed. To avoid mis-happening, the matter was reported to the police station as well as the Collector. The applicant was charge-sheeted with malafide intention although the applicant has run the post office from his house on 09.04.2010, 10.04.2010 and 12.04.2010 and the work of the post office was not at all affected. The applicant has proved during the enquiry that he did not commit any misconduct and the complaint was lodged about the incident dated 08.04.2010 by all the officials and, therefore, there was no deliberate act or omission of the applicant while performing the duty.



8. We have heard the learned counsel for both the sides and have gone through the pleadings and the documents annexed therewith.

9. From the pleadings it is very clear that the applicant was charge-sheeted vide order dated 13.07.2010 and punishment was imposed vide Annexure A-2. It is admitted fact that the applicant was working as Postal Assistant in Sub Post Office, Birsinghpur, District Satna. The contention of the applicant is that some gunda elements on 08.04.2010 had entered into the sub post office, Birsinghpur and started



misbehaving with the employees and with the applicant in the post office. A threat was also given by the gunda elements to assault the employees of the post office. So the applicant felt it proper to run the post office on 09.04.2010 & 10.04.2010 from his residence. The contention of the applicant is also that the matter was immediately reported to police station and also to the Collector of the District. But neither the police nor the higher officials have given any protection, therefore, it was not possible for the applicant to run the post office on the next date. It is also the contention of the applicant that all the employees of the post office had signed the report submitted by the applicant with regard to incident dated 08.04.2010. After receiving the intimation regarding the incident dated 08.04.2010 an enquiry was conducted by the Sub Divisional Inspector, Satna (II) and submitted its report but the copy of the report was not supplied to the applicant.

**10.** On the other hand, the contention of the respondents is that when the applicant was posted as Sub Post master Birsinghpur, Satna w.e.f. 26.09.2009 to 01.05.2010. On 09.04.2010, 10.04.2010 & 12.04.2010 the applicant did not transmit the data on computer and closed the post office on the above dates without any information to higher authorities.



Resultantly the applicant was charge sheeted under Rule 16 of CCS (CCA) Rules, 1965 and accordingly punished by the disciplinary authority. The further contention of the respondents is that the applicant has his own house at Birsinghpur and he wanted to shift the post office in his own house. Prior to this, the applicant has never reported regarding gunda elements at Birsinghpur. The other officials working at Birsinghpur have also not reported in this regard. It is the specific contention of the respondents that on receipt of information from the applicant, the matter was reported to concerned police station and SP police Satna. The Sub Divisional Inspector has visited the post office on 10.04.2010 but the post office was closed and Sub Divisional Inspector has called the applicant from his house and do not find any such type of incident in the post office. The inspector (Posts) who conducted the enquiry has not found incidence took place, as reported by the applicant. The applicant has closed the post office for three days, causing inconvenience to the public and loss to the Govt.

**11.** So it is clear from the pleadings and the contention raised by the rival parties that the post office remained closed for those particular days. The applicant has



specifically indicated in the pleadings that the working of post office was conducted from his house but the respondents has clearly spelt in their reply that the Sub Divisional Inspector of the Police has visited the post office on 10.04.2010 but the same was found closed. The Inspector (Post) conducted the enquiry and had not found the incidence which took place as per the report by the applicant in the post office.



**12.** So from the pleadings it is very clear that the case of mis-conduct has been found against the applicant and the applicant is accordingly punished for the same.

**13.** Therefore, we do not find any merit in the submissions made by the counsel for the applicant.

**14.** Accordingly, the Original application is dismissed with no order as to costs.

**(Naini Jayaseelan)**  
**Administrative Member**  
rn

**(Ramesh Singh Thakur)**  
**Judicial Member**