

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 8th day of March 2000.

Original Application no. 793 of 1988.

Hon'ble Mr. S. Dayal, Administrative Member
Hon'ble Mr. Rafiq Uddin, Judicial Member

Vikram Singh, S/o Sri Jamura Singh,
Reserved Trade Pool in the office of,
Supdt. Posts Saharanpur, R/o Vill. Saralahpur,
P.O. Nakur Distt. Saharanpur.

... Applicant

C/A Shri Vijay Bahadur

Versus

1. Sr. Supdt. of Posts Saharanpur.
2. DPS Dehradun.
3. P.M.G. U.P. Lucknow.

... Respondents.

C/R Km..Sadhana Srivastava

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O R D E R

Hon'ble Mr. Rafiq Uddin, Member-J.

By means of this O.A. the applicant seeks modification of punishment awarded on him by respondent no. 1 (Sr. Supdt. of Posts, Saharanpur) vide order dated 25.07.1986. By the said order the name of the applicant has been deleted from the list of Reserved Trade Pool (R.T.P.) candidates.

2. The applicant was working as R.T.P., since 22.07.1983 at Head Post Office, Saharanpur. While working in the said post, it was found that in the year 1985, the applicant drew the payment for the period during which he remained on leave/absent from duty. It was also found that after return from leave the applicant put his signature on the attendance register against the aforesaid date and prepared a statement of duty performed by him and also got certificate by the Sub Post Master for February 1985 to April 1985. The applicant himself submitted the statement at Saharanpur Head Post Office and received payment for the aforesaid period during which he was on leave.

3. It appears that a show cause notice was issued to the applicant regarding aforesaid allegation and was asked to submit his explanation, by the respondent no. 1 vide memo dated 23.06.86 (annexure A1). The applicant submitted his explanation on 08.07.86 (annexure A2). The respondent no. 1 after considering his explanation passed the impugned order. The applicant

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preferred an appeal to the Director Postal Services (DPS) Dehradun, on 06.08.86, which was also rejected vide order dated 10.10.86. The applicant again submitted his representation to the Director General, Posts, New Delhi, on 07.06.87 which was decided by the P.M.G., U.P., Lucknow (respondent no. 1) vide order dated 4.3.87 and was rejected. The applicant also approached the President of India vide his representation dated 4.4.87 which was not answered. Therefore, he filed the present O.A.

4. The case of the applicant is that since he had all along with being admitted his guilty and had prayed for pardon and seeks whatever he had done under the misguidance of his immediate boss, the quantum of punishment by the respondents is not proper and this Tribunal has ^R jurisdiction to decide whether the punishment is adequate, inadequate or deserves any punishment. The applicant has sought the relief of mitigating the punishment being excessive.

5. The respondents in their counter affidavit have stated that since the applicant himself admitted his mistake for having signed attendance register for the period of his absence and verified the bill under forged signature, it can not be said that it was a case of clerical error. Malafide intention of the applicant is fully proved and deserves no mercy.

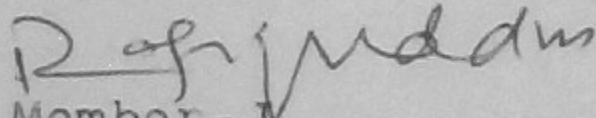
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It is further stated that the applicant misappropriated a sum of Rs. 858/- by taking payment on his allowances for the period during which he remained on leave.

Since the applicant himself ^{has} ~~has~~ admitted all the ^{charges} ~~charges~~ and held himself guilty and being ^R ~~the~~ simply R.T.P. and not even on regular establishment of the Division the retentions of the applicant's service ^{is} ~~is~~ not in the interest of public service.

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

7. It is evident from the relief clause that the only ~~question~~ question before this Tribunal is whether this Tribunal can go into the question of adequacy or inadequacy of punishment awarded to the applicant. It is legal position that this Tribunal has no jurisdiction to consider whether the punishment awarded after the departmental inquiry is adequate or inadequate. It is only administrative authority who can consider this question and this Tribunal has no jurisdiction to pass or issue any direction to the administrative authorities regarding quantum of punishment. We, therefore, do not find any merit in the O.A. and the same is dismissed accordingly. No order as to costs.


Member-J


Member-A