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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.896 of 1988

R.N. Saran

... Applicant

Versus

D.P.S. Dehradun & Another

... Respondents

HON'BLE MR. MAHARAJ DIN - MEMBER (J)
HON'BLE MR. K. MUTHUKUMAR, - MEMBER (A)

(By Hon'ble Mr. K. Muthukumar- AM)

The petitioner has prayed for quashing of the order dated 8-10-87 of imposing the penalty of "Censure" on him by the Disciplinary Authority and setting aside the order of the Appellate Authority, on the ground of its not being a speaking order.

2- The facts of the case are briefly as follows. The petitioner, while working as Inspector of Post Offices from 1-6-81 to 10-5-83, in Central Sub-Division, Meerut was served with a memo of charges (Annexure A-1) stating that he failed to verify the prescribed number of Pass Books during his inspection of Budhansi Branch Post Office as required in Nos. 7 to 11 of the Inspection Questionnaire of Branch Office prescribed for the purpose and he failed to maintain devotion to duty and acted in a manner unbecoming of a Govt. servant and contravened the provision ^{of Rules} 3(1)(ii) and (iii) of C.C.S. (Conduct) Rules, 1964 and accordingly was imposed the minor penalty of "Censure" by the order dated 10-1-85 (Annexure A-3 of O.A.). After his transfer to Muzaffer Nagar Division, he was again served with another memo of imputation charging him with failure to check the undelivered pass-books in the custody of E.D.B.P.M., Budhansi, Branch Office and also his failure to see whether these pass-books were unnecessarily detained or not as

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required vide B.O. Inspection Questionnaire then in force, which facilitated the E.D.B.P.M. Budhseni to commit the fraud of Rs.27,479.00 in certain S.B. Accounts, and therefore, he failed to maintain devotion to duty and acted in a manner unbecoming of Govt. Servant and contravened the Rule-3(i)(ii) and (iii) of C.C.S.(Conduct) Rules, 1964, and was accordingly, imposed the penalty of "Censura" by the Suptd. of Post Offices, Muzaffernagar. The appeal against the order also failed by the rejection of the appeal by the Appellate Authority.

5- The learned counsel for the petitioner has argued before us that a Government servant cannot be punished for the same case again after it had been closed. He also contended that the basis of both the punishments ~~arose out~~ the same inspection of the applicant covered by the inspection report of the concerned Branch Office, and would not call for two punishments on the basis of the same, inspection report. The learned counsel for the respondents, argued that the penalty imposed for the second time was altogether on different charges and therefore, the contention of the learned counsel for the applicant deserves no consideration, and the application is not maintainable.

4- We have heard the arguments of the learned counsels for both the parties and perused the record. It is quite evident from the charges mentioned in second memorandum of imputation that it relates to failure of non-verification of Pass-Books lying in deposit as undelivered ^{and} ~~with or~~ whether these were unnecessarily detained or not as required under B.O. Questionnaire then in force, while the first imputation of charge related to the non-verification of the quantum of Pass Books prescribed for check by the Inspector, and evidently

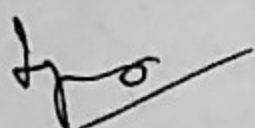
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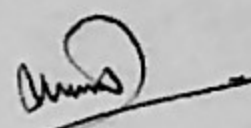
these two charges, are distinctly different. The submission of the petitioner in his appeal to the Appellate Authority regarding irregular nature of the second charge-sheet, which according to the petitioner relate to the same charge, was specifically discussed in the Appellate order ~~and~~ and was rejected giving reasons, therefore, We do not find any irregularity in the second charge-sheet, and we do not find any reason to interfere with the orders of the Disciplinary and Appellate Authority.

5- The application is devoid of merit and is dismissed with no order as to costs.



MEMBER (A)

DATED: Allahabad July 29, 1994.
(IS PS)



MEMBER (J)
