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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORIGINAL APPLICATION NO. 385 OF 1987.

Date of decision May 12, 1988.

Shri Chandi Prasad Misra, son of late K.K. Misra,
S.P.M., Panchayat College, Bargarh, Dist- Sambalpur.

.... Applicant.

Versus

1. Union of India, represented by the Member (Personnel),
Postal Services Board, New Delhi- 110 001.
2. Director of Postal Services, Sambalpur Region,
Sambalpur- 768 001.
3. Senior Superintendent of Post Offices, Sambalpur Division,
Sambalpur- 768 001. Respondents.

M/s P.V. Ramdas &
B.K. Panda, Advocates. For Applicant.

Mr. A.B. Misra, Sr. Standing
Counsel (Central) For Respondents.

C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE CHAIRMAN

A N D

THE HON'BLE MR. K.P. ACHARYA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be permitted
to see the judgment ? Yes .
2. To be referred to the Reporters or not ? NO
3. Whether Their Lordships wish to see the fair copy
of the judgment ? Yes .

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JUDGMENT

K.P.ACHARYA, MEMBER (J). In this application under section 19 of the Administrative Tribunals Act, 1985, the impugned order in Annexure-3 dated 20.11.1986, ^{which} is under challenge.

2. Shortly stated, the case of the petitioner is that he was a L.S.G. Official and has rendered services to the Postal Department for the last twenty years. On 9.8.1985 the petitioner while working as Deputy Post Master, Sambalpur Head Office, did not carry out the orders of his higher authorities i.e., the Senior Superintendent of Post Offices in regard to the pledging/a National Savings Certificate by one Ashok Kumar Panda in favour of the Superintending Engineer, Minor Irrigation Project and in addition to the above charge, another charge was framed against the petitioner that he did not co-operate with the said Ashok Kumar Panda as is expected from a postal official. On these charges, a full fledged inquiry was held and the Inquiring Officer found the petitioner guilty of ^{the} charges and accordingly submitted his findings to the disciplinary authority who in his turn concurred with the findings of the Inquiring Officer and ordered stoppage of one increment of the petitioner for three years. Appeal filed by the petitioner did not yield any fruitful result. Hence this application.

3. In their counter, the respondents maintained that no illegality having been committed during the course of inquiry and the principles of natural justice having been followed in its strictest terms, the petitioner cannot claim prejudice and therefore the case being devoid of merit is liable to be dismissed.

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4. We have heard Mr. P.V.Ramdas, learned counsel for the petitioner and Mr. A.B.Misra, learned Sr. Standing Counsel for the Central Government at some length. We have also perused the relevant documents and the averments made in the petition and counter. While going through the inquiry report, we are convinced that the petitioner had not obeyed the orders of his superior authority. To repudiate these allegations made against the petitioner, Mr. Ramdas submitted that according to the rules the pledgee namely, the Superintending Engineer has to sign on the pledge form and since his clerk had signed, the petitioner was not in a position to carry out the orders passed by his superior authority to accept ^{and} ~~the~~ honour ^{the} ~~in~~ pledge form. We are unable to agree with Mr. Ramdas, learned counsel for the petitioner on this question because if according to the petitioner the higher authority had passed any order which was against the rules in force, the petitioner could have gone to the Senior Superintendent of Post Offices and could have explained to him the situation with which the petitioner was confronted. We cannot find any justification on the part of the petitioner to have overlooked the orders passed by his superior authority. Consequently the second charge has been brought home against the petitioner. Taking into consideration the cumulative effect of what have been said above, we cannot but find that the petitioner had not obeyed the orders passed by his superior authority for which a disciplinary proceeding was initiated against him. Therefore, ^{we} feel inclined to take a lenient view on the question of sentence. Even though we ^{do not} appreciate the conduct of the petitioner, yet taking a

lenient view on the question of sentence, we would set aside the order passed by the disciplinary authority stopping of one increment for three years and we would censure conduct of the petitioner.

5. Thus, the application is accordingly disposed of leaving the parties to bear their own costs.

Re. a. s. 12. 5. 88.
..... Member (Judicial)

B.R. PATEL, VICE CHAIRMAN, *I agree.*

B. R. P. 12. 5. 88
..... Vice Chairman.



Central Administrative Tribunal,
Cuttack Bench
May 12, 1988/Roy, SPA.