

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 407 of 1988

Date of decision: January 31, 1989.

Sridhar Rath, aged about 57 years,
Son of Late Chhota Rath,
Working as Senior Superintendent of
Post Offices, Berhampur (Gm) Division
At/P.O. Berhampur, Dist. Ganjam-760005.

..... Applicant

-Versus-

1. Union of India, represented by its Secretary, Ministry of Communication, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Director-General of Posts, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
3. Union Public Service Commission represented by its Secretary, New Delhi.
4. Postmaster General, Orissa Circle, At/P.O. Bhubaneswar, District-Puri. Respondents

For the Applicant M/s. Devanand Misra
Deepak Misra &
Anil Deo

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

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 allowed to see the judgement ? Yes

2. To be referred to the Reporters or not ? ^{NP}

3. Whether Their Lordships wish to see the fair copy of the judgement ? Yes.

JUDGMENT

K.P.ACHARYA, MEMBER (J)

In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to quash the orders contained in Annexure-3 and release the increment of pay due to the applicant.

2. Shortly stated, the case of the applicant is that at present he is the Senior Superintendent of Post Offices of Berhampur (Ganjam) Division stationed at Berhampur. While the applicant was functioning as Senior Superintendent of Post Offices, Cuttack City Division, certain irregularities are said to have been committed by the applicant for which a proceeding under Rule 16 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 was initiated against the applicant and a charge-sheet was submitted against him alleging that in between 29.6.1984 and August, 1985 the applicant had purchased certain articles by exceeding his financial powers and for not having called ~~upon~~ tenders. The second allegation against the applicant was that the departmental jeep was repaired later than the date on which advance was paid to the Mechanic to effect certain repairs. The applicant submitted his explanation which was not accepted by the disciplinary authority and ultimately the disciplinary authority imposed a penalty of withholding one increment for nine months as contained in Annexure-3. Hence, this application with the aforesaid prayer.

3. In their counter, the respondents maintained that grave irregularities were committed by the applicant in exceeding the financial powers and therefore, rightly

the above mentioned penalty was imposed on the applicant which should not be unsettled.

4. We have heard Mr. Deepak Misra, learned counsel for the applicant and learned Senior Standing Counsel (Central) Mr. A. B. Mishra, at some length. We have also perused the averments in the application and so also the averments in the counter. We have given our careful consideration to the relevant documents on record. We feel that the disciplinary authority had rightly held the applicant to be guilty of the charge levelled against him. But Mr. Deepak Misra strenuously urged before us that the applicant would shortly retire and a more lenient view should be taken on the question of penalty. In addition to the above, Mr. Deepak Misra invited our attention to the explanation of the applicant in which it is stated that the allotment of funds was received by him on 28.3.1985 and in his anxiety to avoid lapse of the said amount, the applicant had made such purchases as there was absolutely no time at his disposal to follow the procedure and/or move the higher authorities for necessary sanction. From the records we find that there was no evidence to show that the applicant had exhibited lack of integrity while procuring these items. Another circumstance which weighs with us is that the applicant would retire on superannuation in June, 1990 and withholding of increment would adversely affect his pensionary benefits. Taking into consideration the aforesaid facts and circumstances, we feel inclined to hold that an order of censure would suffice to meet the

ends of justice. Therefore, while quashing the punishment imposed by the disciplinary authority we would say that the conduct of the applicant be censured.

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

Lalita 31.1.89
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Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

I agree.

Praveen 31.1.89

.....
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
January 31, 1989/S.Sarangi.

