(6)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORIGINAL APPLICATION No. 51 OF 1988.

Date of decision ... May 17, 1988.

Khagendranath Mandal,
son of late Ramachandra Mandal,
at present working as Senior
PostMaster, Cuttack G.P.O.,
Town and District- Cuttack ... Applicant.

Versus

1. Union of India,
represented by the Secretary, Posts,
Dak Bhavan, New Delhi- 110 001.

2. Postmaster General, Orissa Circle,
At, P.O- Bhubaneswar, Dist- Puri.

3. Member (Personnel),
Postal Service Board,
New Delhi.

... Respondents.

M/s Devananda Misra,
Deepak Misra, R.N.Naik,
and Anil Deo, 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 allowed 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 .

JUDGMENT

K.P.ACHARYA,MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985 , the punishment imposed on thepetitioner in a proceeding under Rule 16 of the C.C.S. (C.C.A.)Rules, 1964 vide Annexure-2 is under challenge.

2. Shortly stated , the case of the petitioner is that while he was working as Superintendent of Post Offices, Balasore Division, an allegation was levelled against him that in between 2.1.1986 and 21.4.1986, the petitioner committed certain irregularities by making purchases without following the procedure laid down, namely, did not invite tenders and splited some memos to bring those within hisfinancial jurisdiction. Hence a proceeding under Rule 16 of the said Rules was initiated against the petitioner and after he submitted his explanation, the competent authority directed that one future increment of the petitioner be with-held for nine months. Being aggrieved by this order passed by the competent authority , the petitioner has come up with this application with the prayer to quash the same.

3. In their counter , the respondents maintained that no illegality having been committed by the disciplinary authority in imposing the punishment (stated above), the petitioner cannot claim any prejudice and therefore the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. Deepak Misra, 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 averments made in the application and in the counter and we have also perused the relevant documents pertaining to this case . We have no doubt in our mind that certain minor financial irregularities have been committed by the petitioner . The irregularities being very minor in nature, we feel that for the ends of justice a censure would be sufficient . Therefore, while setting aside the penalty imposed by the competent authority in withholding the increment of the petitioner for nine months, we would direct that the conduct of the petitioner be censured and this would not stand as a bar forhis future promotion.

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

17.5.88
.....
Member (Judicial)

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

17.5.88
.....
Vice Chairman.

Central Administrative Tribunal,
Cuttack Bench.
May 17, 1988/Roy, SPA.