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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 335 OF 1989

Date of decision: January, 31, 1991.

Smt. T. Sandhya : Applicants

Versus

Union of India and others : Respondents

For the applicants

: M/s S.K.Mohanty,
S.P.Mohanty,
Advocates

For the Respondents

: Mr. Ganeswar Rath,
Sr. Standing Counsel
(Central)

C O R A M:

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

AND

THE HON'BLE MR. N.SENGUPTA, 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.

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JUDGMENT

N.SENGUPTA, MEMBER (J),

The applicant who admittedly was working as a Postal Assistant, P.R.Peta, Sub Office in the District of Koraput went on leave from 29.6.1987 till 11.7.1987. The applicant's case is that she received a telegram recalling her to duty by curtailing leave granted to her. She received the telegram in the evening of 10.7.1987 and commenced her journey in the morning of 11.7.1987 and reached the place of her duty on 12.7.1987. As 12.7.1987 was a Sunday, she reported to duty on 13.7.1987. She, over the telephone, enquired if she was entitled to treat the period from 11.7.1987 to 13.7.1987 as duty under Rule 23(3) of the Central Civil Services Leave Rules and she was informed over telephone that the ~~leave~~^{rule} did not apply to her case. Thereafter she made correspondence with the Director of Postal Services, Sambalpur Zone in the matter without routing it through her immediate superior or the Senior Superintendent of Post Offices. For this direct correspondence to the Director, the applicant was served with a notice for minor penalty and ultimately she was inflicted with penalty of stopping of one increment without any cumulative effect (vide Annexure-8)

*Merit kept
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The allegations in the reply filed by the Respondents need not be stated in detail, all that

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may be said is that as the applicant violated the official discipline and the provisions of Rule 614 of P & T Manual, Vol.2, she was liable to be punished.

3. We have heard Mr. S.P.Mohanty learned Counsel for the applicant and Mr. Ganeswar Rath the learned Senior Standing Counsel (Central) for the Respondents. Mr. Mohanty has very strenuously contended that as the applicant wanted a clarification and as she, a lady, was recalled to duty by curtailing her leave, she made the correspondence directly with the Director of Postal Services as the immediate superior authority informed her over telephone that the rule 23(3) of the C.C.S. leave Rule was not applicable to her. Mr. Rath has contended that whether the Rule was applicable or not was not the point for consideration, that Disciplinary Proceeding was confined only to the question whether she violated the official discipline as stated in the Rule of P&T Manual, Vol.2 referred to above. Mr. Mohanty on the other hand has urged that the authorities should have taken note of the fact that a person recalled from leave was bound to be perturbed and accordingly ought to have found the applicant not guilty of the accusation made against her though she might have directly corresponded in her anxiety. We are to judge whether the finding of the Disciplinary Authority is supportable or not. We cannot go beyond

Mr. Eep.
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that and see anything which is not on record.

Therefore, we find that as admittedly there was a violation of Rule 614 of P&T Manual, Vol2 the finding of guilty is sustainable. As has also been laid down by the Hon'ble Supreme Court, in the matter of punishment, we have no discretion unless, of course, it is so disproportionate that the conscience of a prudent man would be shocked. Accordingly, we would not grant any relief to the applicant. No costs.

R. Mohanty
.....31.1.91
VICE CHAIRMAN



M. K. Das
.....31.1.91
MEMBER (JUDICIAL)

Central Administrative Tribunal,
Cuttack Bench/K.Mohanty.