

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 586 OF 1994
Cuttack this the 22nd day of June, 2000

Kumari Subhadra Singh ... Applicant(s)

-VERSUS-

Union of India & Others ... Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not? *Yes*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? *NO*

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE - CHAIRMAN
22/6/2000

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 586 OF 1994
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CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN

AND

THE HON'BLE SHRI G.NARASIMHAM, MEMBER (JUDICIAL)

...

Kumari Subhadra Singh
D/o. Late Narendranath Singh
Proof Reader, Postal Printing Press
Bhubaneswar-751010

...

Applicant

By the Advocates

M/s. Antaryami Rath
B.Ku. Mishra

-VERSUS-

1. Union of India represented through
the Secretary, Ministry of Communications
Department of Posts,
Government of India,
New Delhi-110001
2. Director, Postal Services,
office of the Chief Post Master
General, Orissa
Bhubaneswar-751001
3. Manager, Postal Printing Press
Bhubaneswar-751010

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Respondents

S.M. By the Advocates

Mr. A.K. Bose
Sr. Standing Counsel
(Central)

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MR. SOMNATH SOM, VICE-CHAIRMAN: This matter has been fixed to to-day for peremptory hearing. On behalf of learned counsel for the petitioner an adjournment was asked for. As this is a 1994 matter where pleadings have been completed long ago and the matter has been fixed to-day for peremptory hearing the prayer for adjournment was refused. We have, therefore, heard Shri A.K. Bose, learned Senior Standing Counsel appearing for the Respondents and Shri A.Kath, learned counsel for the applicant.

2. In this Application under Section 19 of the Administrative Tribunals Act, 1985 the petitioner has prayed for quashing order dated 24.3.1993 (Annexure-3) of the disciplinary authority imposing punishment/withholding one increment for one year without cumulative effect and the order dated 2.8.1994 at Annexure-5 passed by the appellate authority increasing punishment to withholding of increment for a period of three years without cumulative effect.

3. Applicant's case is that she was working as Proof Reader in Postal Printing Press, Bhubaneswar when departmental proceedings were initiated against her in order dated 2.3.1989 at Annexure-1. There were three charges and on the applicant denying charges, inquiry was conducted. Applicant has stated that she joined Postal Printing Press on 29.1.1982 and on 10.12.1988 she was entrusted with the work of reading the manuscript of SB-3 form. It is alleged that certain mistakes crept in in the final proofs. The applicant has stated that even though she was taken to task the senior employees who were also responsible were let off. Applicant has stated that the first two charges relate to mistake in proof reading but the third charge relates to a complete extraneous matter. Applicant has stated that it took three and

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half years for the enquiry to get completed. She has stated that the proceedings held in an ^{arbitrary} administrative manner and rules of natural justice were not followed.. It is submitted that the Inquiry Officer held all the three charges to have been proved. Basing on such report a harsh punishment of withholding one increment without cumulative effect was passed. It is further stated that the appellate authority had revised the punishment of the disciplinary authority beyond the period of six months which is not permissible under the rules. On these grounds the applicant has come up in this petition with the prayers referred to earlier.

4. Respondents in their counter have stated that the inquiry was conducted following the principles of natural justice and the departmental instructions and all opportunities were given to the applicant to defend her case. They have stated that the applicant was holding the post of Proof Reader and one copy Holder was also there to assist the applicant. The post of Proof Reader is higher than that of copy Holder and for her mistake which resulted in wrong printing of forms she cannot throw blame on the copy Holder. With regard to ~~first~~ charge it has been stated that the applicant at the time of joining produced a false ~~xxx~~ experience certificate and this charge has rightly been held proved. It is stated by the respondents that the charges which have been proved are serious in nature and ~~xxx~~ comparing to that punishment imposed by the appellate authority cannot be held to be severe. On the above grounds respondents have opposed the prayer of the applicant.

5. We have gone through the pleadings and also perused the records. We find that the applicant has challenged the findings of the Inquiring Officer on the ground that certain witnesses those cited by the applicant were not examined. Law is well settled

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in a departmental proceedings the Tribunal cannot reassess the evidence and can come to a finding different from the findings arrived at by the disciplinary authority. The Tribunal can interfere only if there has been violation of principles of natural justice and if the rules have not ^{properly} been followed. Interference is also possible if the findings are based on no evidence or patently perverse. The fact that certain witnesses cited by the applicant ^{DUM} have not been examined has not caused ^{Jm.} prejudice to the applicant in any way. If these witnesses were at all as stated by the applicant required to be examined then the applicant could have ensured their appearance on the date fixed for inquiry. This contention is therefore, held to be without any merit and the same is rejected.

^{the} To further contention that the applicant was wrongly held guilty of the alleged lapses and the senior persons have been let off respondents have pointed out that as a Proof Reader it was her responsibility to correct the proof and the copy holder was only there to assist her. This contention in the counter has not been denied by the applicant by filing any rejoinder and therefore, this contention is held to be without any merit and the same is rejected.

^{Jm.} 9 As regards the first charge we find that at the time of her appointment she produced an experience certificate allegedly issued by the Paramartha Printing Works, Cuttack, which according to which she worked in the press from 1.1.1983 to 31.12.1987. The S.W. 2 had contacted one K. Brahmachari, Superintendent Paramartha working of the Printing Works since 1983, who denied to have issued the experience certificate. It was also proved that during that period the applicant had obtained a loan of Rs.15,000/-

from S.B.I. for self-employment. In view of this it cannot be said that the findings of the Inquiring Officer on the three charges are based on no evidence or are perverse. We also note that in view of the seriousness of the charges held to have been proved the order of the disciplinary authority by no means is severe. The prayer of the applicant to quash the order of the disciplinary authority is therefore held to be without any merit and the same is rejected.

The third point is with regard to order of the appellate authority. Applicant has stated that under ~~the~~ rule 29 the appellate authority has the power to revise the order of the disciplinary authority within a period of six months. In this case order of the disciplinary authority has been issued on 24.3.1993, but the order of the appellate authority revising and enhancing the punishment has been issued on 2.8.1994, i.e. beyond the period of six months. Rule-29 specifically provides that the appellate authority within six months from the date of order proposed to be revised can revise any order made under this Rule. In view of this it is clear that the appellate order enhancing punishment should have been passed within the period of six months and not beyond ^{six months from the} the date of order of the disciplinary authority. In view of this the order of the appellate authority under Annexure-1 is not sustainable and is accordingly quashed. The order of the disciplinary authority is maintained.

In view of our discussions held above, the O.A. is partly allowed, but without any order as to costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

B.K.SAHOO//

(SOMNATH SOM)
VICE-CHAIRMAN