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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 628 OF 1995  
Cuttack, this the 31<sup>st</sup> day of March/03

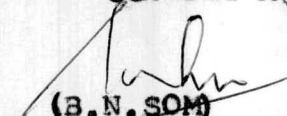
Birsha Ram Sunari. ... Applicant.

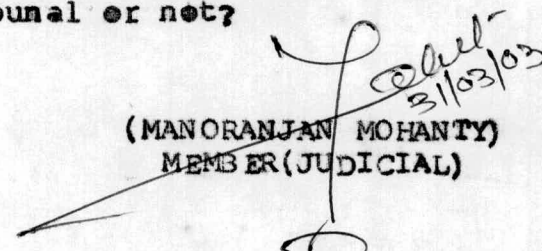
Vrs.

Union of India & Ors. ... Respondents.

FOR INSTRUCTIONS

1. whether it be referred to the reporters or not?
2. whether it be circulated to all the Benches of the Central Administrative Tribunal or not?

  
(B.N. SOM)  
VICE-CHAIRMAN

  
(MANORANJAN MOHANTY)  
MEMBER (JUDICIAL)

(8)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 628 OF 1995  
Cuttack, this the 31st day of March, 2003

CORAM:

THE HONOURABLE MR. B.N.SOM, VICE-CHAIRMAN  
AND  
THE HONOURABLE MR. MANORANJAN MOHANTY, MEMBER (JUDL.).

...

Birsha Ram Sunari,  
S/o. Sri Bhade Ram Sunari,  
At present working as Postal Assistant,  
At/Po; Sambalpur Head Post Office,  
Dist; Sambalpur-1. .... Applicant.

By legal practitioner : Mr. W.K. Padhi, Advocate.

Vrs.

1. Union of India through its Secretary, Ministry of Communication, Dak Bhawan, New Delhi-110 001.
2. Postmaster General (Sambalpur Region),  
At/Po/Dist. Sambalpur-1.
3. Director of postal Services (Sambalpur),  
At/Po/Dist. Sambalpur-1.
4. Sr. Superintendent of post Offices,  
Sambalpur division,  
At/Po; Sambalpur, Dist. Sambalpur-1.

... Respondents.

By legal practitioner : Mr. A.K. Bose, Senior Standing Counsel.

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O R D E R

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL) :

Applicant (Birsa Ram Sunari) being proceeded in a disciplinary proceedings under Rule-16 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, was imposed with a punishment (of recovery of Rs. 15,000/- on a monthly instalment of Rs. 500/- w.e.f. July, 1995) on 24.4.95

and his appeal dated, 10.7.1995 (Annexure-2) having been rejected (under Annexure-8 dated 05.02.1996), he has preferred this Original Application under Section 19 of the Administrative Tribunals Act, 1985 challenging the orders of the Disciplinary Authority as well as of the Appellate Authority by branding the same to be illegal, arbitrary and unjust.

2. Fact of the case is that while the Applicant was working as Mail Assistant of Sambalpur Head Post Office, an account bag (for Motijharan Sub Post Office) containing remittance of Rs.16,920/- was handed over to him (by Shri Santosh Kumar Maharana) for being delivered at the destination being placed in a mail bag. Because of his lapses, the said mail bag was missed; resulting loss of Rs.16,920/- to the Department. Ultimately, a proceedings under Rule-16 of the CCS(CCA) Rules, 1965 was initiated against ; which ended with the order of punishment of recovery of Rs.15,000/- from the Applicant; which was confirmed in appeal. The Applicant, in support of his plea of innocence, has submitted before the Authorities in appeal (under Annexure-2 dated 10.7.1995) that the bag, in question, was handed over to him by the Treasurer of Sambalpur Head Post Office; instead of by the Sub-Account Asst; that no mail box was provided to him (the mail Asst) till the date of missing of the mail bag of Motijharan Sub Post Office; that the punishment of recovery of Rs.15,000/- is not a just and fair decision (as, the circumstances in which he was compelled to work on 1.3.1995 had not been



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taken into consideration); that he was asked to do the work of Mail Asst. as well as Delivery Asst. and that, on 01.03.1995, the Branch Post Office was shifted to the delivery Hall, where, apart from many officials discharging their duties, public were entering freely into the hall and that, due to the said situation he could not keep watch of the same properly. Lastly it has been prayed by the Applicant (in his appeal) that missing of the mail bag of Motijharan S.O. on 01.03.1995, was beyond his control and he was not to be held responsible for the said mishap.

3. Respondents have filed their counter explaining the facts in detail and stating therein that since the Applicant was held responsible for such missing of the bag (causing a loss to the Department); considering the facts of the case, the disciplinary authority ordered for recovery to make good of the loss.

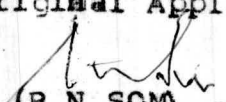
4. We have heard Mr. P.K. Padhi, Learned Counsel appearing for the Applicant and Mr. A.K. Bose, Learned Senior Standing Counsel of the Union of India, appearing for the Respondents and perused the records.

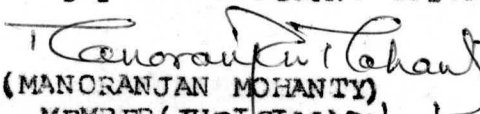
5. Law is well settled in a plethora of judicial pronouncements of different courts in the country that in a disciplinary proceedings, the powers of the Courts/ Tribunals are very limited. Interference of the Courts/ Tribunals, in such matters, are only possible where natural justice has been denied to the delinquent, the findings arrived at by the Inquiring Officer and/or by the disciplinary

Authority/Appellate Authority are based on no records and that, the interference is also possible if the punishment is disproportionate to the gravity of the charge/offence or shocking to the conscience of judiciary.

6. In this instant case, neither in the pleadings nor during the oral hearing, learned Counsel for the Applicant has ever pointed out any such irregularity/illegality in the matter of proceedings initiated against him. We also find that the punishment imposed by the disciplinary Authority as confirmed by the Appellate Authority, is not so harsh requiring this Tribunal to interference in the matter - rather the same is a lenient one. The points raised by the Applicant in his Original Application and during oral hearing have already been considered by the Authorities; who have consciously passed the order of punishment. This Tribunal not being the Appellate Authority to sit over the decision of the disciplinary Authority or the Appellate Authority is not competent to reassess the evidences on record.

7. In the above said premises, we find no merit in this Original Application ; which is accordingly dismissed. No costs.

  
(B.N. SCM)  
VICE-CHAIRMAN

  
(MANORANJAN MOHANTY)  
MEMBER (JUDICIAL) 31/03/03