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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 770 OF 1996
Cuttack this the 4th day of October, 2004

Hemalata Mehta ... Applicant(s)

- VERSUS -

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

FOR INSTRUCTIONS

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

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(M.R.MOHANTY) 04/10/04
MEMBER (JUDICIAL)

N.S.
(B.N. SQM)
VICE-CHAIRMAN

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK**

ORIGINAL APPLICATION NO.770 OF 1996
Cuttack this the 4th day of October, 2004

CORAM:

THE HON'BLE SHRI B.N. SONI, VICE-CHAIRMAN
AND
THE HON'BLE SHRI M.R. MOHANTY, MEMBER (JUDICIAL)

1. Hemalata Mahanta, aged about 58 years,
W/o. late Bharatram Mahanta
2. Dayanidhi Mahanta, aged about 40 years
3. Mukunda Chandra Mahanta, aged about 32 years
4. Ajit Mahanta, aged about 30 years
5. Mohan Charan Mahanta, aged about 28 years
6. Santosh Kumar Mahanta, aged about 26 years
- Sl. No. 2 to 6 are sons of late Bharatram
Mahanta
7. Jaseda Mahanta, aged about 23 years,
D/o. late Bharatram Mahanta

Applicants

By the Advocates

M/s.S.C.Samantaray
T.K.Mohanta
D.N.Mishra
S.K.Panda
S.Swain

- VERSUS -

1. Union of India represented by the Chief Post Master General, Orissa Circle, Bhubaneswar, At/PO-Bhubaneswar, District-Khurda
2. Director of Postal Services, Sambalpur Regional Office, At/PO/Dist-Sambalpur
3. Superintendent of Post Offices, Keonjhar Division, At/PO/Dist-Keonjhar

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Respondents

By the Advocates

Mr. B. Dash, A.S.C.
Mr. A. K. Rose, S.S.C.

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MR. B.N.SQM, VICE-CHAIRMAN: This Original Application was filed by Shri Bharat Ram Mahanta (applicant), who was

removed from service by the order of Respondent No.3 vide Memo dated 12.4.1996 and confirmed by the appellate authority (Res.No.2) vide his order dated 14.4.1996, in a resultant disciplinary proceeding initiated against him under Rule - 8 of E.D.As (Conduct & Service) Rules, 1964. During pendency of this case, the applicant expired, whereupon Smt. Hemalata Mahanta, his wife and his children (six in number) being the legal heirs filed a Misc. Application seeking substitution to prosecute this O.A. This Misc. Application for substitution having been allowed vide order dated 30.6.2004 of this Tribunal, the present legal heirs of the deceased postal employee are before the Tribunal as applicants of this O.A.

2. The facts of the case in brief are that the deceased husband of applicant No.1 was appointed as Branch Post Master of Koipani Branch Office in the year 1960. While working as such, on 16.2.1995, he was put off duty by Res.No.3 on the allegation that he had not accounted for the deposits in Savings Bank Account bearing No.641945 and in another account against Mahila Samridhi Yojana. A regular inquiry in the matter was conducted. The inquiry officer submitted its report on 12.3.1996 finding one charge proved and the other charge partly proved. The inquiry report was supplied to the delinquent in response to which he submitted a representation and in consideration of the same the disciplinary authority imposed on him the punishment of removal from service vide his order dated 12.4.1996. Against this punishment order, the delinquent employee preferred an appeal to Res. No.2.

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who confirmed the order of punishment imposed by the disciplinary authority. The plea as raised by the applicant was that he had served the Department for 35 years, during which period no complaint was ever received and that the delay in crediting amount in those two accounts (as referred to above) was instances of mistake for which such a fatal punishment was disproportionate.

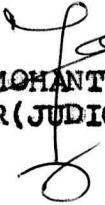
3. The Respondents by filing a counter have submitted that the applicant (Bharatram Mahanta) was given full opportunity to defend his case. The Inquiry Officer had found one charge fully proved and the other partly proved. The disciplinary authority had taken into account all the facts and circumstances of the case, but did not find him fit to be retained in service "in the interest of the Department as well as in the interest of public". The appellate authority, after considering the representation of the charged official rejected the same on the ground that "I do not believe that a person who had worked in the Department for more than three decades can continue to commit such mistakes again and again. There is definite tendency of lack of integrity in this case and I find sufficient grounds to agree to the contentions of the disciplinary authority". On these grounds the Respondents have prayed for dismissal of this O.A., being devoid of merit.

4. We have heard the learned counsel of both the sides and perused the materials placed on record.

This being a case arising out of disciplinary proceeding, the Tribunal has limited scope to intervene.

nor can it reappraise the evidence. However, the Tribunal can intervene had there been allegation of denial of the principles of natural justice or the decision arrived at by the disciplinary authority is patently wrong and illegal being based on no evidence and/or on the ground of glaring mala fide. None of these situations apparently is available in this case. The Tribunal being not a Court of Appeal, we are unable to go into the merit of the order passed by the disciplinary authority/appellate authority. Both these authorities have assigned reasons as to why they had taken the recourse of extrement decision in the matter. The charged official was removed, because, the disciplinary authority/appellate authority had found that he lacked in integrity. The appellate authority in his order had observed ^{that} as if the charged official was committing mistakes time and again. This point has not been controverted either in Original Application or during eral argument by the learned counsel for the applicant/applicants. In the circumstances, there is hardly any scope for the Tribunal to intervene in the matter.

5. For the reasons what has been discussed above, this O.A. fails. No costs.


(M.R. MOHANTY) 04/10/04
MEMBER (JUDICIAL)

BJY


(B.N. SGM)
VICE-CHAIRMAN