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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 896 of 2006
Cuttack, this the ~~21~~²⁴ day of May, 2009

Suramani Pradhan Applicant
Versus	
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 CAT or not?

(JUSTICE K.THANKAPPAN)
MEMBER (JUDICIAL)

(C.R.MOHAPATRA)
MEMBER (ADMN.)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No. 896 of 2006

Cuttack, this the ~~21st~~ day of May, 2009

C O R A M:

THE HON'BLE MR.JUSTICE K.THANKAPPAN, MEMBER (J)
A N D

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

.....
Sri Suramani Pradhan, aged about 54 years, Son of Late
Shyamghana Pradhan, At-Garud, Po-Bileinali, Via-Athamalik,
PS-Handapa, Dist. Anugul.

.....Applicant

Advocate for Applicant: Mr. P.K.Padhi.

-Vs-

1. Union of India represented by Chief Postmaster General (Orissa Circle), At/Po-Bhubaneswar, Dist. Khurda-751 001.
4. Director of Postal Services, Sambalpur Region, At/Po/Dist. Sambalpur-768 001.
6. Superintendent of Post Offices, Dhenkanal Division, At/Po/Dist. Dhenkanal, Pin-759001.

....Respondents

Advocate for Respondents: Mr.U.B.Mohapatra,SSC

O R D E R

Per- MR.C.R.MOHAPATRA, MEMBER (A):-

Applicant is working as Sub Postmaster of Talcher Town
Sub Post Office in the District of Dhenaknal. In this Original
Application filed U/s.19 of the Administrative Tribunals Act, 1985 the
applicant challenges the order under Annexure-A/9 dated
31.3.04/01.04.04 imposing the punishment of reduction of one
increment for one year under Rule 16 of CCS (CC&A) Rules, 1965 and
the order under Anneure-A/11 dated 5th August, 2005 reducing the
said punishment to withholding of one increment for a period of six
months without cumulative effect. on an appeal preferred by the
Applicant. The orders under Annexure-A/9 & A/11are based on the
charge sheet issued to the applicant under Rule 16 of CCS (CC&A)

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Rules, 1965 vide Annexure-A/7 dated 12.11.2003 in which two charges were framed and it reads as under:

" Charge No.I

Sri Suramani Pradhan joined his new assignment as SPM, Talcher Town SO, on 11.6.2003 forenoon taking over charge of the office from Sri J.K.Dwivedi. The post quarters attached to Talcher Town Post Office was occupied by the said Sri Dwivedi when the said Shri Pradhan took over the charge of the office. The said Sri Dwivedi retained the post quarter up to 9.7.03 and vacated the same on 09.7.03. Although the said Sri Pradhan was required to occupy the post quarter soon after the vacation by the said Sri Dwivedi, the said Sri Pradhan did not occupy the same till date on the plea of insufficient accommodation re reported in his letter dated 12.8.03 and 8.10.03.

By his above acts the said Sri Pradhan has not only violated the provisions of Rule 45 of FR but also acted in a manner which is unbecoming on the part of a Government servant as enjoined in Rule 3(1)(iii) of CCS (Conduct) Rules, 1964.

Charge No.II

The said Sri Pradhan while working as such requested Sri Sidheswar Mishra House owner of Talcher Town SO vide his letter No.C/Misc./01 dated 10.07.03 to disconnect the power supply to the meter installed in the SPM's residence thereby disconnecting the power supply to SPM's attached post quarters without taking prior approval from this office for disconnection. The said Sri Pradhan further reported vide this letter dated 08.10.03 that the house owner of Talcher Town SO disconnected the power supply to the SPM's quarters portion on 28.7.03 in compliance to his letter dated 1.7.03. As such the said Sri Pradhan committed grave misconduct.

By his above acts, the said Sri Pradhan has acted in a manner which is unbecoming on the part of a Government servant, thereby violating the provisions of Rule 3(1)(iii) of CCS (Conduct) Rules, 1964."

2. On consideration of the reply submitted by the Applicant under Annexure-A/8, the disciplinary authority imposed the punishment under Annexure-A/9. Appeal was preferred by the Applicant under Annexure-A/10 and on consideration of the appeal the appellate authority reduced the punishment of the applicant

under Annexure-A/11. Thereafter he preferred another petition to the Chief Postmaster General under Annexure-A/12 and during the pendency of the said petition; he has approached this Tribunal in the present OA seeking the aforesaid relief. The grounds set forth by the applicant in support of his relief in this Original Application are that he joined the Talcher Town Sub Post Office on 11.6.2003. On joining he found that the quarters meant for the sub post master s not up to the prescribed standard and there is lack of basic amenities like water, bath room, kitchen, ventilation, inadequate space and privacy and in other words the quarters in question was not habitable for which he did not occupy the said quarters. As per rules he is entitled to rent free accommodation of 700 Sq ft. whereas the Talcher Town Sub Post Office functions in a rented house having only 565 sq.ft. Though the house was not upto standard the same was taken by the predecessor of the applicant on rent as the house owner happens to be his relation. On joining there, the Applicant informed the Respondent N.3 that as the quarter is not habitable for his stay, he did not occupy the same. In spite of the above, according to the applicant, Respondent No.3 insisted upon the applicant to reside in the said quarters. As he did not occupy the quarter but on average rate the Department was going on making payment of the electricity at higher rate the applicant requested the owner of the house to disconnect the line to the unused portion of the quarters by which the electricity charges were reduced from Rs.708/- p.m. to Rs.170/- p.m. But without considering the difficulties, disciplinary proceedings were initiated against him and ultimately he has been visited with the punishment as aforesaid.

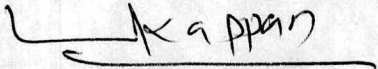
3. Respondents by filing counter have stated that it is not correct to say that the quarters were not habitable for the stay of the applicant. In fact his predecessor was staying in those quarters. This was a post attached quarter. As per rules the sub post master has to reside in the quarters. In spite of repeated letters the applicant did not occupy the said quarters and on the other hand with the connivance of the house owner disconnected the line to the said quarters without the approval of the competent authority. Considering the above act of the Applicant he was issued with minor penalty charge and on consideration of his reply the disciplinary authority imposed the order of punishment which was reduced by the appellate authority. Accordingly the Respondents prayed for dismissal of this OA.

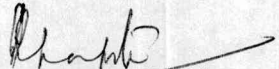
4. Learned Counsel appearing for both sides reiterated the stand taken in the respective pleadings and having heard them at length we have perused the materials placed on record. Except factual aspect of the matter, Learned Counsel for the Applicant has placed no material to show that there has been breach or deviation of any of the rules or principles of natural justice has been violated in the matter of ordering the punishment. The power to interfere in the matter of disciplinary proceedings by the Tribunal has been stream lined by the Hon'ble Apex Court in very many cases which need no emphasis. It is well settled principle of law that this Tribunal being not the appellate authority over the decision of the competent authority should not sit over the decision reached in exercise of the power conferred under rules by the competent authority. It is seen that while imposing the punishment the disciplinary authority has taken into consideration all the points raised by the applicant in his reply. On considering the

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appeal the appellate authority reduced the punishment. Therefore, it cannot be said that there has been non application of mind by any of the authorities while passing the orders impugned in this OA.

5. In view of the discussions made above, we find no merit in this OA. This OA is accordingly dismissed. No costs.


(JUSTICE K.THANKAPPAN)
MEMBER (JUDICIAL)


(C.R.MOHAPATRA)
MEMBER (ADMN.)