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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Date of order : 14.3.1995.

O.A. No. 109/1995.

Gordhan Das : Applicant
Vs.

Union of India and Others : Respondents

CORAM :

THE HON'BLE MS. USHA SEN, MEMBER (ADMINISTRATIVE)

Present :

Mr. Vijay Mehta, Counsel for the applicant.

BY THE COURT :

Heard the learned counsel for the applicant.

2. The applicant ~~is working as Extra Departmental Branch Post Master (EDBPM) at Sukhwada.~~ is working as Extra Departmental Branch Post Master (EDBPM) at Sukhwada. A charge sheet was issued to him on 25.2.1994. The charge against him was wrong delivery of a registered letter. An inquiry as for the major penalty is going on against the applicant. The applicant has made representations to the respondents stating that the offence alleged to have been committed by him is of a minor nature and hence, proceedings for a minor penalty only should have been initiated against him. He has also represented to the respondents that while no heed has been

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paid to his request for conducting minor penalty proceedings in place of major penalty proceedings, ^{as to} ~~at least some arrangements should be made for his relief to attend the hearings by the Inquiry Officer.~~ ^{in this OA} The prayer of the applicant is that the respondents should be ordered not to conduct ~~major~~ ^{the} penalty proceedings against him and if it is not possible then to order the respondents to make arrangements for his relief to attend the hearings on the dates fixed by the Inquiry Officer.

3. In my view it is not the jurisdiction of the courts to decide ⁱⁿ any particular case whether minor penalty proceedings should be initiated or major penalty proceedings. I consider that this is not a matter solely within the jurisdiction of the administrative authorities. However, needless to state that the respondents should take care that there is no procedural lapse in the conduct of the proceedings. Hence, I consider it fit to direct the respondents to examine the representation ^(Annexure A-10) of the applicant with regard to appropriate arrangements for his relief to attend the hearings of the inquiry on the dates to be fixed by the Inquiry Officer and take necessary action in the matter so that full opportunity is afforded to the applicant to defend himself in the inquiry. They may ensure that the inquiry is not vitiated on account of procedural

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lapse in the conduct of the same. Before the next date of hearing in the inquiry, the respondent may take a decision with regard to the applicant's representation ^{→ (Annexure A-10)} for making necessary arrangements for his relief to attend the inquiry. A copy of the OA may be sent to the respondents alongwith a copy of this order. With this direction, the OA stands disposed of at the admission stage.

Usha
(Usha Sen)
Member (Adm)

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