

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J _ O _ D _ H _ P _ U _ R .

Date of Order : 07.7.2000.

O.A. No. 402/1996

Moman Ram S/O Shri Mani Ram, aged about 24 years
R/O Village & PO 24-K.D. Via Charshana District Sriganganagar
(Rajasthan), at present employed on the post of EDBPM 10-KD
Charshana District Sri Ganganagar.

... Applicant

Vs

1. The Union of India through Secretary to Ministry of Communication, Department of Post, Dak Bhawan, New Delhi.
2. The Superintendent of Post Offices, Sriganganagar Division, Sriganganagar.
3. The Director, Postal Services, Rajasthan Western Region, Jodhpur.

... Respondents

Mr. J.K. Kaushik, Counsel for the Applicant.

Mr. Vineet Mathur, Counsel for the Respondents.

CCRAM :

Hon'ble Mr. A.K. Misra, Judicial Member

Hon'ble Mr. Gopal Singh, Administrative Member

O R D E R

(PER HON'BLE MR. GOPAL SINGH)

Applicant, Moman Ram in this application under Section 19 of the Administrative Tribunals Act, 1985, has prayed for quashing the impugned order dated 30.4.1996 (Annexure A/1) and order dated 28.11.1996 (Annexure A/2) with all consequential benefits. The applicant has also prayed for stay of order dated 28.11.1996 by way of interim relief.

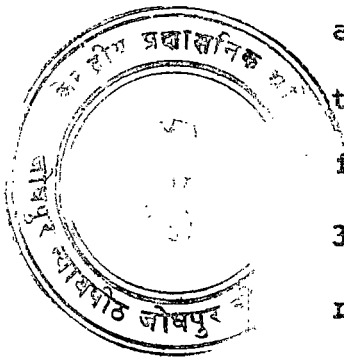
Gopal Singh

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2. Applicant's case is that while working as EDEPM 10 KD Gharsana, he was issued warning dated 02.8.1995 for delaying delivery of M.O. & VPP articles. Similar warning was issued to the applicant vide report dated 27.10.1995 issued after conducting the inspection of his post office. But the respondents issued a chargesheet dated 30.4.1996 to the applicant on similar allegations for which he has been warned. On conclusion the enquiry, the penalty of removal from service has been imposed upon the applicant vide order dated 28.11.1996. Contention of the applicant is that since he has already been warned, the respondent cannot impose another penalty upon the applicant for the same misconduct and further that the punishment imposed is far in excess of the alleged misconduct. Feeling aggrieved, the applicant has filed this application.



3. In the counter, it has been stated by the respondents that the applicant has not exhausted departmental remedy of appeal available before approaching the Tribunal and as such the application is not maintainable. It has further been asserted by the respondents that the chargesheet served upon the applicant contain the allegation of using defaced stamps and temporary embezzlement of Government money besides delaying delivery of postal articles like M.O. and VPP. The applicant has also admitted all the charges and as such the application deserves to be dismissed.

4. We have heard the learned Counsel for the parties, and perused the records of the case carefully.

5. It is seen from records that the charges levelled against the applicant in the chargesheet are of keeping cash

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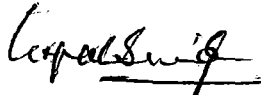
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in excess of monetary limit fixed for the Post Office for long periods, using defaced stamps besides delaying delivery of M.O. and VPP articles. Thus, the contention of the applicant that he has been punished for the misconduct for which he had already been warned is not tenable. Further, the applicant has admitted all the charges levelled against him. The applicant has also contended that the penalty of removal from service is disproportionate to the misconduct. The misconduct alleged against the applicant reflects adversely upon his integrity. Moreover, the applicant has accepted all the charges. We are of the view that a person of doubtful integrity is not fit to be kept in Government service. Thus, the impugned orders imposing penalty of removal from service upon the applicant do not require our interference.

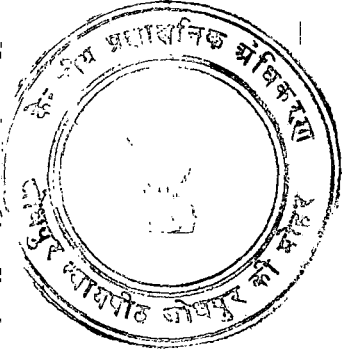
6. The Original Application is accordingly dismissed with no order as to costs.

7. Interim stay granted vide our order dated 18.12.1996 stands vacated.


 (GOPAL SINGH)
 Adm. Member


 7/7/2000
 (A.K. MISRA)
 Judl. Member

J



Review

Deacon

12/17/2007

Per copy
to S. G. Kelly
12-17-07
for
Mr. Mother

Part II and III destroyed
in my presence on 3/1/07
under the supervision of
section officer (R) as per
order dated 10/11/05

Morgan
Section officer (Record)