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**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

Original Application No. 110/2003

Date of order: 19th Nov, 2009

CORAM:

HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER

HON'BLE MR. V.K.KAPOOR, ADMINISTRATIVE MEMBER.

Gaffur Khan S/o Shri Peeru Khan resident of Village Kotri, Near Charbhuj Mandir, Distt. Bhilwara, presently working on the post of Sub Post Master, Jahazpur Mandi District Bhilwara, Rajasthan.

...Applicant.

[Mr. D. C. Sharma, Counsel for applicant.]

VERSUS

1- The Union of India through the Secretary, Post & Telegraph Department, Government of India, Ministry of Communication, Dak Bhawan, Sansad Marg, New Delhi.

2- Director, Postal Services Southern Region, Ajmer.

Superintendent of Post Offices, Bhilwara Division, District Bhilwara.

...Respondents.

[Mr. Mahendra Godara Advocate, proxy for Mr. Vineet Mathur, for respondents.]

ORDER

[PER DR. K.B.SURESH, JUDICIAL MEMBER]

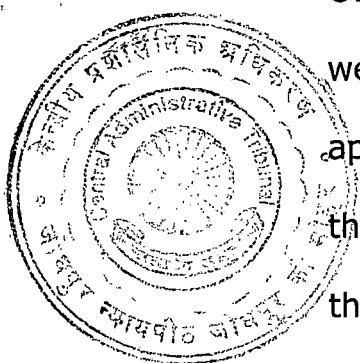
The issue to be resolved is, whether the applicant is justified in taking a stand that a cheque which was not in the name of that particular Post Office or the Post Master, should be accepted and acted upon or not. The applicant would say that the rules in that regard allowed him a latitude in the matter and, therefore, on his coming to the present Post Office at Jahazpur Mandi in District Bhilwara in 2001, he has written to his superiors that the said cheques cannot be accepted and acted upon by him as he believed them to be contrary to the rules. But, the respondents on the other hand, points-out that in the year 1999 the work-load of the office was found to be 192 minutes only against the required work-load of

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450 minutes and after the suggestion to increase the work-load by the competent authority was received so as to optimize the work and their productivity, the Sub Post Master Jahazpur Mandi, was directed to increase the work-load by booking of old age pension money orders and also by collecting telephone bills. This was promptly carried out **w.e.f. 4.3.2000 i.e. one year and three months before the applicant joined the present Office.**

Therefore, the respondents would contend that there is no malafides or malice in the action of the respondents as the applicant had been contending that as a result of his filing of earlier O.A. and not granting him the appropriate transfer his superiors were prejudicially hostile against him. From the above narration, it appears that as the said work-load addition was carried out more than a year before the applicant came over to this office and it has thereafter been done consistently for more than a year and for the reasons that it is linked to a productivity audit We find that there may not be any malice or malafides on the part of the respondents.



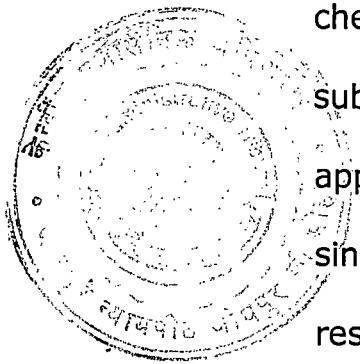

2- The respondents had raised a question at the time of hearing that there is a delay on the part of the applicant in filing this application but vide an earlier order passed on 5.3.2008 in MA No. 28/2008 in MA 27/2008, the delay if any was condoned and therefore, such a question do not arise for consideration any more. On 22.10.2009 we had heard the parties counsel and passed an order directing the respondents to get appropriate information to see whether the cheque was issued in the name of individual Post Office in tune with the circulars then in force or in the name of any other Post Office or Senior Officer. The respondents had reported

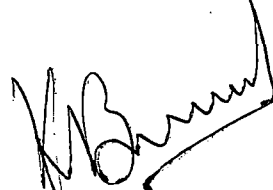
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that in fact, it was issued in the name of Senior Superintendent of Post Offices and he himself had allocated the same for disbursement to the Post Office in question. It is pointed-out by the applicant that the said allocation is by passing the circulars and rules. However, for the common good of the institution, it is the duty of the superior officers to allocate the work and therefore it cannot be said that the Senior Superintendent of Post Offices was wrong in allocating the work. Even though, going by strict interpretation of rules, the cheques should have been drawn in the name of the particular Post Office or the Post Master. But, the cheques in the name of Superior Officers can be delegated to subordinate officers. Therefore, there is no merit in the case of the applicant and thus, it is hereby dismissed. But, at the same time, since the applicant had pointed-out a statutory formation to his rescue and he had only pointed out to his superiors statutory lacune in the action of the said cheques the punishment issued to the applicant is to be subjected to a re-look in the light of the observation made above. Therefore, even though the OA is hereby dismissed, the respondents are directed to have a re-look into the quantum of punishment imposed on the applicant and pass appropriate orders within three months from the date of receipt of this order. There will be no order as to costs.



(V.K.Kapoor)
Member(A)


(Dr.K.B.Suresh)
Member (J)

jrm

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