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

**ORIGINAL APPLICATION NO. 304 of 2003.**

Date of Order : 9.03.2010.

**CORAM:**

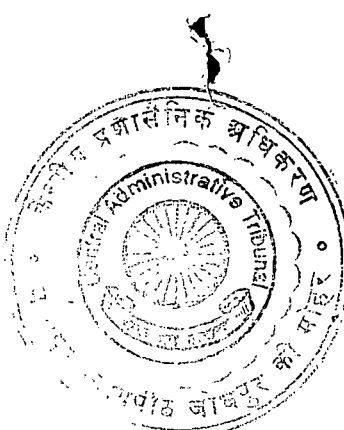
**HON'BLE DR. K.S. SUGATHAN, ADMINISTRATIVE MEMBER  
HON'BLE Dr. K.B. SURESH, JUDICIAL MEMBER**

R.L.Patel S/o Shri Hem Chand, aged 41 years, Inspector Group 'B', Inspector of Post Offices, Udaipur, Resident of Q. No. 16, Sector 5, Postal Colony, Udaipur.

....Applicant

**For Applicant Mr. Vijay Mehta.**


**VERSUS**

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- 1- Union of India through the Secretary, Ministry of Communication (Department of Post), Sanchar Bhawan, New Delhi.
  - 2- The Superintendent of Post Offices, Dungarpur.
  - 3- Director, Postal Services, Southern Region, Rajasthan, Ajmer.
  - 4- Shri R.L. Meena, Superintendent of Post Offices, Beawar.

..Respondents

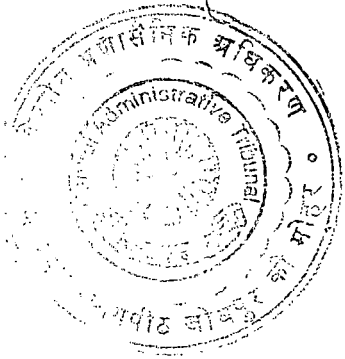
**For Respondent Mr. M. Godara proxy for Mr. Vineet Mathur.**

**ORDER  
(PER DR. K.S.SUGATHAN)**



The applicant is working as an Inspector of Post office at Udaipur. He was issued a charge sheet under Rule 16 of CCS (CCA) Rules on 06.08.2001 while he was working at Dungarpur. The allegation in the Memorandum was that the applicant failed to carry out the inspection of 53 Post offices within a period of 12 months from the date of last inspection. The applicant submitted his explanation that a perusal of his diary would show that it could not have been possible to complete all these

inspections within the period of 12 months. The applicant also requested for a regular departmental enquiry into the charges. The request for holding regular departmental enquiry was rejected and a minor penalty of with-holding of one increment for six months without cumulative effect was imposed by order dated 27/3/2002 (A/1). The applicant preferred an appeal against the said penalty. In the appellate order the penalty was modified as censure (A/8). The applicant has sought quashing of the penalty orders at A/1 and A/8. It is contended by the applicant that the respondent No.2 is not competent to impose the penalty as the applicant belongs to Group B category; that the order rejecting his request for holding regular departmental enquiry is non-speaking; and that the respondent No.2 is prejudiced against the applicant as he did not give the bribe demanded by him for releasing the second instalment of his loan. The letter dated 28.3.2002 rejecting the demand for regular inquiry was delivered along with the penalty order dated 27.3.2002.



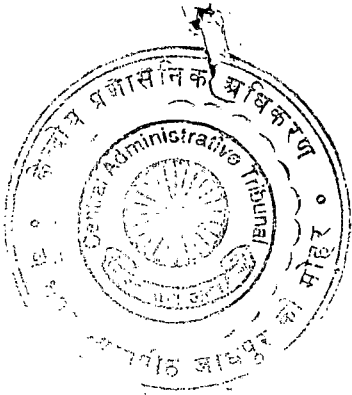
2- The respondents have filed their reply. It is stated in the reply that as per proviso of rule 300 of the Postal Manual Vol.III the annual inspection of post offices should be carried out within one year from the date of last inspection. But the applicant failed to carry out these inspections in respect of 53 post offices within the time period of 12 months. The inspections were done after the period of 12 months. In reply to the charge sheet the applicant sought to know from the disciplinary authority how it would have been possible for any one to complete these inspections. The request for holding departmental enquiry was

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only to delay the matter. Even though the post of Inspector of Post has been classified as Group B, there is no change in the appointing authority/appellate authority as per the clarification issued on 17/9/2002.(R/1). The respondent No.2 is therefore competent to impose the penalty. The allegation of the respondent No.2 demanding bribe is false and baseless. The penalty has been imposed after due application of mind.

3- We have heard the learned counsel for the applicant Shri Vijay Mehta and the learned counsel for the respondents Shri Godara for Shri Vinit Mathur. We have also perused the documents on record carefully.

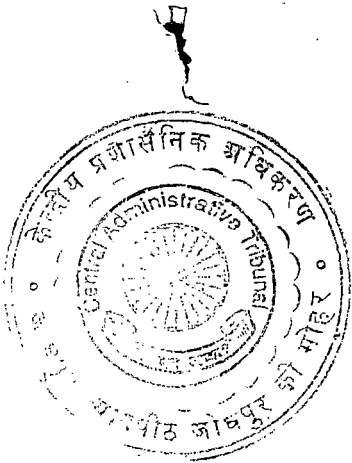


4- Following the judgments of the Hon'ble Supreme Court in **B.C.Chaturvedi v. Union of India** (1995 6 SCC 749) and **High Court of Judicature of Bombay v. Shashikant Patil** (2000 1 SCC 416) the scope of judicial review in disciplinary proceedings is limited to the examination of whether there is a violation of the principles of natural justice or the proceedings have been held in violation of rules or whether the decision is vitiated by extraneous considerations or whether it is arbitrary or capricious. We have examined the facts of this case from aforesaid aspects. It is not disputed that the charge sheet was issued for the minor penalty and the penalty imposed is also a minor penalty. The only contention raised by the applicant is that his request for holding a regular departmental enquiry was rejected by a non-speaking order. He has in this regard relied on O.M. dated 28.10.1985 (A/6) in which it has been stated the disciplinary

authority must give reasons for rejecting the request for holding a regular enquiry. The full text of the OM dated 28.10.1985 reads as follows:

**"(1) Holding of an inquiry when requested by the delinquent : Instructions.- The Staff Side of the Committee of the National Council (JCM) set up to consider revision of CCS (CCA) Rules, 1965, had suggested that Rule 16 (1) should be amended so as to provide for holding an inquiry even for imposition of minor penalty, if the accused employee requested for such an inquiry.**

**2. The above suggestion has been given a detailed consideration. Rule 16 (1-A) of the CCS (CCA) Rules, 1965, provides for the holding of an inquiry even when a minor penalty is to be imposed in the circumstances indicated therein. In other cases, where a minor penalty is to be imposed, Rule 16 (1) ibid. leaves it to the discretion of disciplinary authority to decide whether an inquiry should be held or not. The implication of this rule is that on receipt of representation of Government servant concerned on the imputations of misconduct or misbehaviour communicated to him, the disciplinary authority should apply its mind to all facts and circumstances and the reasons urged in the representation for holding a detailed inquiry and form an opinion whether an inquiry is necessary or not. In a case where a delinquent Government servant has asked for inspection of certain documents and cross-examination of the prosecution witnesses, the disciplinary authority should naturally apply its mind more closely to the request and should not reject the request solely on the ground that an inquiry is not mandatory. If the records indicate that, notwithstanding the points urged by the Government servant, the disciplinary authority could, after due consideration, come to the conclusion that an inquiry is not necessary, it should say so in writing indicating its reasons, instead of rejecting the request for holding inquiry summarily without any indication that it has applied its mind to the request, as such an action could be construed as denial of natural justice."**



5- We have examined the representation made by the applicant seeking an enquiry as well as the rejection letter (A/2 and A/3). It is seen from the letter at A/2 that the applicant has not made out any detailed reasons justifying the holding of a regular enquiry. He merely states that by his letter dated 27.8.2001 he had informed that it would not be possible for any person to complete these inspections within a period of one year and that he may be guided on how such thing was possible. There were no reasons explaining why it was not possible for

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him to complete the inspection. He is not disputing the requirement that inspections have to be done within 12 months. But instead of explaining the reasons why it was difficult, the applicant is asking counter questions. The respondents cannot be therefore faulted for not issuing a detailed order while rejecting the demand for regular departmental enquiry, as required in the OM supra.

6- In view of the above discussion we are of the considered opinion that the respondents have not violated any rules or procedures before imposing the minor penalty. Nor is there any arbitrariness perceived in the whole exercise. The applicant was given an opportunity to explain his inability to complete the required inspections in time. But instead of giving detailed reasons for his inability, he gave a vague and unsatisfactory reply. The order rejecting the demand for regular inquiry could not have been more detailed as the applicant himself had not given detailed reasons why such an inquiry is warranted. We do not see any reason to interfere.

7- For the reasons stated above, the OA is dismissed. No costs.

(Dr.K.B.Suresh)  
JM

(Dr.K.S.Sugathan)  
AM

चिपक 17-12-18 के आदेशानुसार  
मेरा उपस्थिति में है, तारीख 10/21/16  
को भाग-II के अंतर्गत किया गया।

अनुभाग अधिकारी  
केन्द्रीय प्रशासनिक अधिकरण  
जोधपुर न्यायापीठ, जोधपुर

Per  
Cal 870

4/5/3