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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH AT JODHPUR

Original Application No.34/2013

Jodhpur, this the 17th day of October, 2013

CORAM

HON'BLE MR. JUSTICE KAILASH CHANDRA JOSHI, MEMBER (J)
HON'BLE MS. MEENAKSHI HOOJA, MEMBER (A)

Bhera Ram s/o Shri Jamuna Ram, aged about 55 years b/c Bhil, r/o Bhil Basti, Opp Police Station, Pokharan, District- Pokharan, Office address-working as Postal Assistant at Hanumangarh Jn. HO (Postal Department).

.....Applicant

Mr. S.P.Singh, counsel for applicant

Vs.

1. Union of India through Secretary, Government of India, Ministry of Communication, Department of Posts, Dak Tar Bhawan, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur
3. The Director, O/o Post Master General, Western Region, Jodhpur.
4. Senior Superintendent of Post Offices, Jodhpur Division, Jodhpur.
5. Superintendent of Post Offices, Sri Ganga Nagar Division, Sri Ganga Nagar.

...Respondents

Ms. K.Parveen, counsel for respondents

ORDER (ORAL)

Per Justice K.C.Joshi, Member (J)

The applicant, Bhera Ram, has filed this OA against the Memo dated 27.8.2012 whereby his appeal against the punishment order

dated 23.11.2011 was rejected by the Appellate Authority, and therefore, he has prayed for the following reliefs:-

- a. That the impugned order Memo No. STA/WR/44-A/4/12 dated 27.8.2012 (Annexure A/1) and Memo No. F/Bhera Ram/11-12-dated 23.11.2011 (Annexure A/2) may kindly be declared illegal unjust and improper and deserves to be quashed and set aside and consequential benefits may kindly be granted.
- b. That any other direction or orders may be passed in favour of the applicant, which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.
- c. That the costs of this application may be awarded to the applicant.

2. Brief facts, as stated by the applicant, are that the applicant while posted at Fatehgarh Post Office as Sub Postmaster, reached late by 20 minutes on 4.9.2009. The Director Post Offices (DPS) visited the office on 4.9.2009 and found that the applicant reached late by 30 minutes. The DPS directed to initiate disciplinary proceedings. It is stated by the applicant that he reached late by 20 minutes and he should be given grace time and the contingency caused by the late coming be condoned. It is further stated that the respondents did not comply the rule for treating late comers in office who are not habitual because the respondents admitted that the applicant is not habitual late comer. The respondents did not take into account the increase of four time work load and that more than 2560 NEREGs accounts have been opened and within four days till 4.9.2009 in the month of September the applicant opened 447 NEREGs account. It is further stated that the applicant submitted representation and demanded vital

and relied upon documents, but the same were not provided. Thereafter, the applicant vide Memo dated 23.11.2011 (Ann.A/2) was punished with the penalty of stoppage of next increment for one year without cumulative effect. Against the penalty order, the applicant filed appeal dated 6.1.2012, which was dismissed by the Appellate Authority vide Memo dated 27.8.2012 (Ann.A/1). Aggrieved by imposition of penalty, the applicant has filed the present OA praying for the reliefs as mentioned in para-1 above.

3. The respondents by way filing reply to the OA have denied the right of the applicant and submitted that the office timings of Fatehgarh Post Office begins from 9.00 Hrs and the applicant reached the office at 9.30 Hrs i.e. half an hour late. It is further stated that there is no provision of grace period, but the same could be allowed in adverse conditions or for unfavourable circumstances or special situation. The applicant did not provide any document showing him not a habitual late comer. The lapses relating to late opening of the office is an offence of serious nature and invite stern action against the concerned employee. It is further stated that the complaints from the Sub Divisional Inspector during his visit to the said office and Shri Hukma Ram, Gram Sewak regarding non-interest of the applicant in NREGA feeding were also observed and called for disciplinary action. Since he was not serious about his work and therefore higher authorities repeatedly directed him to take the work seriously. It is further stated that the applicant did not show how the principles of natural justice have been violated or the fundamental rights of the applicant are

interfered with. The departmental action has been taken against the applicant as per rules. The respondents have denied the averment of the applicant regarding ill intent of the Director Postal Services against the applicant at the time of paying visit to the concerned office and submitted that in view of the lacunae on the part of the applicant as SPM, Fatehgarh SO on 4.9.2009 and previous complaints against him by public, Gram Sewak and the Sub Divisional Inspector and that the applicant has failed to maintain devotion towards his duty, the disciplinary proceedings became must and the OA filed by the applicant being devoid of merit deserves to be dismissed.

4. Heard both the parties and have gone through the relevant material available on record. Counsel for the applicant contended that the applicant was punished with the penalty of stoppage of one grade increment without cumulative effect, but the appeal against the same was rejected by the competent authority without substantive facts available on record. He further contended that the applicant was found absent at Fatehgarh Sub Post Office at 09.00 Hrs. on 04.09.2009 and for a single absence, the applicant cannot be punished by such a punishment.

5. Per contra, counsel for the respondents contended that the applicant was charged for five charges including the absence on dated 04.09.2009 and it was found that 750 NREGA accounts were pending for entry in the record, the RD ledger posting were pending in huge arrears and posting in NREGA accounts were also found incomplete.

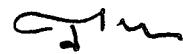
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The Gram Sevak had complaint to the Director that he requested Shri Bhera Ram to open new accounts of MNREGA but he did not show interest in feeding the new accounts and all these charges were proved against the applicant and, therefore, he was punished.

6. We have perused the punishment order Annex. A/2 and Appellate Order Annex. A/1. Both the orders are well reasoned and are passed on substantial documents. Therefore, we are not inclined to interfere in the order of the Disciplinary Authority and Appellate Authority. It is a settled principle of law that Tribunal should not interfere in the orders when such orders are passed on sufficient evidence and they are well reasoned. Accordingly, the OA lacks merit and the same is dismissed. There shall be no order as to costs.



(MEENAKSHI HOOJA)
Administrative Member



(JUSTICE K.C.JOSHI)
Judicial Member

R/SS