

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 495/99

Wednesday the 28th day of April 1999

CORAM

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR B.N.BAHADUR, ADMINISTRATIVE MEMBER

P. Sivakumaran
Puthenveettil
Ariyoor Post
Via. Mannarcaud College
Palghat District.

...Applicant

(By advocate Mr. B.Krishnamani)

Versus

1. Director of Postal Services
Office of the Post Master General
Northern Region
Calicut - 673 011.
2. The Supdt. of Post Offices
Ottapalam Division
Ottapalam - 679 101.

...Respondents

(By advocate Mr K.R.Rajkumar)

The application having been heard on 28th April 1999,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

The applicant who was working as Postmaster at Pulapatta Post Office was proceeded against departmentally on the basis of a memo of charges in which there were three articles of charges which included short accounting of cash. Before the Enquiry Officer, the applicant admitted his guilt and the enquiry officer submitted his report finding the applicant guilty. Accepting the enquiry officer's report, the second respondent passed an order dated 18.9.97 (A-4) imposing on the applicant a penalty of compulsory retirement from the service with immediate effect. The applicant filed an appeal, aggrieved by the A-4 order, which was rejected by the first respondent finding no reason to interfere with the penalty imposed on the applicant. The applicant has filed this application impugning the order of the disciplinary authority

as also the appellate authority A-4 & A-6. The only ground on which the applicant has assailed the impugned orders is that taking into account a lenient view of the fact that the applicant has spent 17 years in the department and the nature of the misconduct admitted, the respondents should have imposed on the applicant a minor penalty and that the penalty of compulsory retirement is not sustainable.

2. We have heard the learned counsel of the applicant and have perused the impugned orders and other materials placed on record. Considering the misconduct that was admitted to have been committed by the applicant before the enquiry officer, we are of the considered view that the penalty of compulsory retirement imposed on him cannot be termed as shockingly disproportionate. Judicial intervention in the matter of penalty is justified only in cases where a penalty which is shockingly disproportionate to the gravity of the misconduct is imposed. Such a situation not being available in this case, we do not find anything in this case which calls for admission of this application. Hence this application is rejected under Section 19 (3) of the Administrative Tribunals Act, 1985.

Dated 28th April 1999.



B.N. BAHADUR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

aa.

Annexures referred to in this order:

A-4, true copy of the order dated 18.9.97 issued by 2nd respondent pursuant to A-3.

A-6 true copy of the order dated 30.11.98 by 1st respondent erroneously rejected the appeal filed by the applicant.