

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.523/05

Thursday this the 25th day of January 2007

C O R A M :-

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE DR.K.B.S.RAJAN, JUDICIAL MEMBER**

V.Raveendradas,
Postal Assistant, Varakala P.O.,
Thiruvananthapuram.
Residing at Bharathi Bhavan,
Varkala P.O., Thiruvananthapuram.

...Applicant

(By Advocate Mr.V.Vinod)

Versus

1. Senior Superintendent of Post Offices,
North Division, Thiruvananthapuram – 1.
2. The Director of Postal Services (SR)
Thiruvananthapuram.
3. Union of India represented by the Secretary,
Government of India, Department of Posts,
New Delhi.

...Respondents

(By Advocate Mrs.Mariam Mathai,ACGSC)

This application having been heard on 25th January 2007 the
Tribunal on the same day delivered the following :-

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

When the matter came up for hearing today, none appeared for the
applicant. In fact, out of all the dates of posting in this case he has
appeared only once and twice represented. Hence the case is dismissed
for default.

(Dated the 25th day of January 2007)


**K.B.S.RAJAN
JUDICIAL MEMBER**


**SATHI NAIR
VICE CHAIRMAN**

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 523 of 2005

Thursday, this the 26th day of July, 2007

C O R A M :

**HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER**

V. Raveendradas,
Postal Assistant, Varkala P.O.,
Thiruvananthapuram ... Applicant.

(By Advocate Mr. Martin G. Thottan for Mr. V. Vinod)

v e r s u s

1. Senior Superintendent of Post Offices,
North Division, Thiruvananthapuram.
2. The Director of Postal Services (SR),
Thiruvananthapuram.
3. Union of India represented by the
Secretary, Government of India,
Department of Posts, New Delhi. ... Respondents.

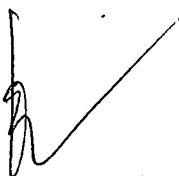
(By Advocate Mr. Varghese P. Thomas)

O R D E R

HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

The challenge in this case is directed against the penalty order passed by the Respondents, whereby the applicant was inflicted with the penalty of reduction of pay by one stage from Rs 5,000 to Rs 4,900 in the scale of pay of Rs 4,000 – 6,000 for a period of one year from 01-07-2003 with cumulative effect.

2. Brief facts of the case as per the OA are that the applicant was issued



with Annexure A-1 Charge Memo dated 01-05-2003 under Rule 16 of the CCS (CC&A) Rules, 1965 to which he had, vide Annexure A-2 statement dated 22-05-2003, furnished his defence. The Disciplinary authority by Annexure A-3 order dated 24-07-2003 awarded penalty of "Reduction of pay by two stages from Rs 5,000 to Rs 4,800" with cumulative effect. The applicant challenged the same by Annexure A-4 appeal dated 03-09-2003 before the appellate authority. This was disposed of by the A-5 order dated 2nd July, 2004 by the appellate authority, whereby the reduction by two stages was reduced to one year with cumulative effect.

3. Respondents have contested the OA. According to them, the Disciplinary Authority having not accepted the explanation given by the applicant, the penalty imposed was well in order, especially when the appellate authority had diluted the extent of penalty.

4. Counsel for the applicant submitted that there were three charges, of which one pertained to the period 1997 and the charge sheet was issued in 2003. Obviously, the respondents were with some ulterior motive combined the alleged misconduct of past years and the same was spelt out in the Appeal preferred by the applicant. In addition, the Disciplinary Authority has acted as a judge in his own case. Hence, the proceedings are vitiated.'

5. Counsel for respondents has submitted that the penalty being one of minor penalties and that the charges having been held to be proved, there may not be any interference by the Tribunal.



6. Arguments were heard and documents perused including the disciplinary proceedings file produced by the respondents. There are in all three charges. One pertains to disobedience inasmuch as when the authorities had on 12-04-2002, while promoting and posting the then SPM of Sreenivasapuram, had directed that the charge of SPM be taken over by the applicant, the applicant did not follow the orders and he could obey the orders only on 29-04-2002. The second one pertains to 1997 transaction of K.V.P. And the third one pertains to the refusal by the applicant of entertaining 175 pension money orders presented by the Secretary Chemmaruthy Grama Panchayat for payment to physically handicapped pensioners. Thus, there was a complaint from the Secretary.

7. The applicant had furnished his reasons for not being able to take over the charge of SPM. As regards KVPs, the applicant has candidly admitted and gave reasons. As regards 175 money orders, it is the case of the applicant that he had not refused but politely requested to come the next day as the M.O. was good many in number and there had been no man power to assist the applicant in entertaining such huge number of money orders.

8. The explanation offered by the applicant was not accepted and a detailed order has been furnished by the Disciplinary Authority. A perusal of the same goes to show that the Disciplinary authority has rejected the justification by the applicant. The appellate authority too had considered the entire issue dispassionately and it was on account of the same that the extent of penalty was reduced. Thus, no error in the decision making process could be discerned in this case. The penalty is also not disproportionately excessive. It is only reduction by one increment for one year which will have cumulative effect. The



misconducts cannot be ignored, especially when it pertains to disobedience of orders of the higher authority and causing inconvenience to the general public (See Article No. III).

9. In view of the above, there does not appear any injustice meted to the applicant and the OA, is therefore, dismissed.

10. No costs.

(Dated, the 26th July, 2007)



DR. K B S RAJAN
JUDICIAL MEMBER



SATHI NAIR
VICE CHAIRMAN

cvr.