

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.597/93.

Friday, this the 25th day of February, 1994.

C O R A M

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

....

KJ Paul,
Lower Selection Grade Sorting Assistant (LSGSA),
Sub Record Office, Railway Mail Service,
Ernakulam Division, Trichur Railway Station.

....Applicant

By Advocate Shri KS Madhusoodhanan.

Vs.

1. Member (P), Postal Services Board,
Ministry of Communications,
Department of Posts, New Delhi.
2. Senior Superintendent,
Office of the Senior Superintendent,
RMS, 'EK' Division,
Cochin--682 011.
3. Chief Post Master General,
Kerala, Trivandrum.
4. Director of Postal Services,
Central Region, Cochin.
5. Post Master General,
Ernakulam, Cochin-16.

....Respondents

By Shri Mathew G Vadakkel, Addl Central Govt Standing Counsel.

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicant challenges the order of punishment imposed on him, affirmed in appeal and revision. While working as Lower Selection Grade Sorting Assistant at Trichur, RMS Office, he was charged with acts of misconduct enumerated in Annexure A-II. Substance of the charge was that he did not make proper entries relating to mail bags No.737 and 740, with the result that bags were grouped among the bags containing old records and remained there till it was traced

contd.

later. An inquiry was held under Rule 16 of the Central Civil Services (Classification, Control and Appeal) Rules, and by Annexure AIV order applicant was found guilty. The punishment of withholding one increment for two years without cumulative effect, was imposed. The appeal against that order was rejected by Annexure V. A revision petition filed was also rejected by Annexure A VI.

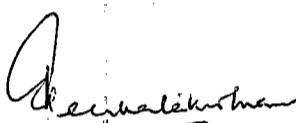
2. Applicant challenges these orders as violative of the principles of natural justice. He would submit that an oral inquiry was not held and that certain documents, upon which he wishes to rely, were not furnished to him. In his reply to the show cause, we do not find any request made by applicant for an oral hearing or for any documents. Annexure A 11 shows that a request for the documents was made after filing Annexure VI appeal. We do not find any infraction of principles of natural justice, nor could counsel pinpoint any single circumstance leading to such infraction. Finding of facts was reached on the basis of evidence. The disciplinary authority found that the bags in question reached 'Trichur RMS/3', and that there was documentary evidence in this behalf. He refers to 'CT 28 Out', which signifies arrivals from Calicut. It was the responsibility of applicant to have made necessary entries and forwarded the mail bags to their destination. Based on the registers and certain interpolation, the disciplinary authority found that there was failure on the part of applicant in maintaining the records properly and despatching the mail bags in question to their destination. This finding of fact cannot be assailed as unsupported by evidence or as unreasonable. We do not sit as an Appellate body over a fact finding authority. There is no error apparent on the face of the record to merit interference.

3. It was then argued that applicant lost promotion on account of the punishment, and that this amounts to a second punishment.

The contention has only to be repelled in the light of the principles enunciated in Union of India vs. KV Jankiraman (AIR 1991 SC 2010). The quantum of punishment cannot be regarded as excessive. In fact, the authority erred on the side of leniency, considering that the bags contained examination papers from the Calicut University. Such must be handled with a great sense of responsibility. The conduct of applicant, apart from amounting to a breach of the basic trust placed in the post office, could easily have effected the career of young students. A deterrent punishment should have been imposed, instead of such a light punishment.

4. The application is without merit, and we dismiss the same. Parties will suffer their costs.

Dated the 25th February, 1994.


PV VENKATAKRISHNAN

ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN