

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A No.149 of 1994

Friday this the 21st day of January, 1994

CORAM

The Hon'ble Mr. Justice Chettur Sankaran Nair, Vice Chairman

The Hon'ble Mr. P. V. Venkatakrishnan, Administrative Member

N. A. Gopalan,
Extra Departmental Delivery Agent,
East Vazhapilly (Removed). Applicant
residing in Nadamuriyil House,
East Vazhappilly PO
Muvattupuzha.

(By Advocate Mr. M. R. Rajendran Nair)

Vs.

1. The Senior Supdt. of Post Offices,
Aluva Division, Aluva.
2. The Sub Divisional Inspector
(Postal), Perumbavoor Sub Divh.
Perumbavoor. Respondents

(By Advocate Mr. Mathew J Nedumpara, ACGSC)

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN.

Applicant, an Extra Departmental Delivery Agent challenges a punishment imposed on him, confirmed in appeal. An enquiry was held on two charges. In Annexure.A3, the enquiring authority found;

"Article of Charge-I not proved.

Article of Charge-II partially proved."

On partial proof, disciplinary authority ordered removal and the appellate authority confirmed the same. The charge partially proved was that applicant failed to deliver a Regd. letter. Counsel for applicant submits that evidence is not conclusive and that there is no understandable motive for not delivering a single letter. There is force in the contentions.


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However, we think it unnecessary to go into the contentions because, the applicant is satisfied if the question of punishment is re-considered.

2. Learned Standing Counsel for Respondents is agreeable to this course and for good reasons too. The charge on which applicant is removed is only partially proved. That apart, doctrine of proportionality stands deeply rooted in areas of administrative law. There must be commensurability between the wrong done and the punishment imposed. In the circumstances, the punishment is xxxxxxxx xx dis-proportionate. We direct the appellate authority, 1st respondent to re-consider the question of punishment and pass appropriate orders within four weeks from today. The appellate authority will be free to pass such orders notwithstanding Annexures I and II.

3. Application is disposed of with the above directions. No costs.

Dated 21st January, 1994.


P.V.VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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