

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 261/97

Friday, this the 17th day of September, 1999.

CORAM:

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

HON'BLE MR G RAMAKRISHNAN, ADMINISTRATIVE MEMBER

K. Raghavan/5,
Sorting Assistant, Head Record Office,
Railway Mail Service, EK Division,
Kochi - 11, residing at: BK 2,
P & T Quarters, Thevara.

...Applicant

By Advocate Mr. Raju K. Mathews.

Vs.

1. Union of India represented by its Secretary, Department of Posts, New Delhi.
2. The Senior Superintendent, Railway Mail Service, 'EK' Division, Kochi - 11.
3. The Post Master General, Central Region, Kochi - 11.
4. The Director General Posts, New Delhi.

...Respondents

By Advocate Mr. M.H.J. David J, ACGSC (rep)

The application having been heard on 17.9.99, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

The applicant seeks to direct the 2nd respondent to review the manner in which various penalties imposed on him have been implemented having regard to the directions contained in A-1 order and to set right the anomalies therein with all consequential benefits.

2. The applicant is working as Sorting Assistant since past 28 years. As much as 14 penalties were imposed on him. The applicant submitted a representation before the 1st respondent i.e., Union of India represented by the Secretary, Department

of Posts, New Delhi, requesting to review the manner in which the penalties were imposed in the light of A-1. A-3 dated 13.9.95 is the order passed on A-2 representation. The applicant again submitted a representation A-4 dated 4.12.95 to which there is no response so far.

3. Respondents resist the O.A. contending that the applicant has not so far submitted any representation to the 1st respondent as alleged by him. He submitted a representation to the Post Master General, who is the 3rd respondent on 8.8.94 for which A-3 reply was given. A-3 has been issued only after thoroughly considering the representation dated 8.8.94.

4. The averment in the O.A. in paragraph 5 that the applicant submitted a representation dated 8.8.94 before the 1st respondent requesting him to review the manner in which the penalties were implemented is factually incorrect. The representation dated 8.8.94 is produced as A-2. It is addressed to the Senior Superintendent, RMS, Ernakulam Division. The 1st respondent herein is the Union of India represented by the Secretary, Department of Posts, New Delhi.

5. In paragraph 6 of the O.A., it is stated that the applicant submitted another representation dated 4.12.95 before the 4th respondent detailing how wrong implementation of the successive penalties imposed on him had caused great prejudice and loss in his career and A-4 is the true copy of the said representation. A-4 does not contain any date. If A-4 is a true copy, the averment in paragraph 6 of the O.A. cannot be correct and viceversa.

6. The applicant has now sought to direct the 2nd respondent, the Senior Superintendent of RMS, Ernakulam Division to review the manner in which various penalties were imposed on him in the light of A-1 order. As per A-2, he projected the very same

grievance and that has been disposed of as per A-3 by an authority who is superior in rank to the 2nd respondent. There is no prayer to quash A-3. That being the position, it can only be said that it is improper to direct an authority lower to the authority who has issued A-3 to review the matter and pass orders.

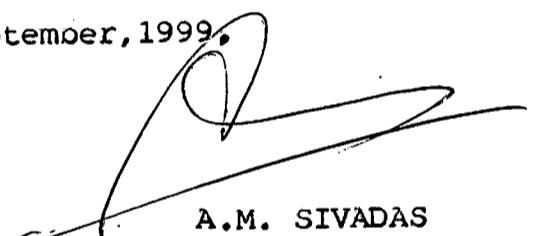
7. Even though the applicant says that he has submitted a representation to the 4th respondent and the same is denied by the respondents, nothing turns out on that as far as this O.A. is concerned since there is no prayer to direct the 4th respondent to consider and pass appropriate orders on A-4 representation.

8. Accordingly, we find no merit in this O.A. and the O.A. is dismissed. No costs.

Dated this the 17th day of September, 1999.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

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LIST OF ANNEXURES REFERRED TO IN THIS ORDER

Annexure A-1:

True copy of D.G. P&T's Letter No.154/5/78-Disc.II dated 30.7.1981 by the Director General Posts, New Delhi.

Annexure A-2:

True copy of representation dated 8.8.1994 by the applicant to the 2nd respondent.

Annexure A-3:

True copy of Letter No.ST/6-2/90 III(Pt) dated 13.9.95 by the Asst. Director of Postal Services, Kochi, Central Region.

Annexure A-4:

True copy of representation dated Nil by the applicant to the Director General Posts, New Delhi.