

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.274/98

Tuesday this the 9th day of June, 1998.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

N.Damodaran,  
Sub Postmaster, Koodali,  
Kannur District,  
residing at Nediyangara House,  
Edakkeppuram, Cherukunnu,  
Kannur District.

...Applicant

(By Advocate Mr.M. Sasindran (represented)

Vs

1. The Superintendent of Post Offices,  
Kannur.
2. The Director of Postal Services,  
Northern Region, Kerala Circle,  
Calicut.
3. Union of India, represented by the  
Under Secretary, Department of Posts,  
New Delhi.

..Respondents

(By Advocate Mr. George Joseph, ACGSC)

The application having been heard on 9.6.98, the Tribunal  
on the same day delivered the following:

O R D E R

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

This application is filed under Section 19 of  
the Administrative Tribunals Act. The applicant who is a  
Sub Post Master, Koodali, Kannur District has assailed the  
order dated 26.4.95 (A8) of the first respondent imposing  
on him a penalty of recovery of a sum of Rs.900/- from the  
pay and allowances of the applicant and the order dated  
11.8.95 (A10) of the Director of Postal Services rejecting  
his appeal. He has also assailed the order dated 4.2.97  
(A12) of the third respondent rejecting the revision  
application. The facts in a nutshell is as follows:

...2

2. The applicant while working as Sub Post Master (SpM for short) Varam Post Office received an instruction from one Shri K.K.Balan that letters addressed to him as proprietor, Devaki Timbers may be delivered to Door No. ELP IX 476. Certain postal articles addressed to Shri Balan, Devaki Timbers received in the Sub Post Office during the period between 1.5.92 and 15.9.92 were not delivered till 15.9.92 despite the instruction given by Shri Balan to the applicant. The applicant had sought instructions from the Assistant Superintendent of Post Offices, who had instructed him that the instruction may be acted upon on Shri Balan displaying a sign board at the place of his business to avoid complications. The delivery was metted only on 15.9.92. Shri Balan approached the Consumer Redressal Forum, Kannur for compensation and the Forum after enquiry held that there was an unjustifiable delay in the delivery of postal articles and awarded a compensation of Rs.1000/-. On that basis the applicant was served with a memorandum under Rule 16 of the CCS (CCA) Rules. The applicant in his explanation submitted that as there was no sign board displayed by Shri K.K.Balan, he sought instructions from the ASPO and as per the instructions of the ASPO the postal articles were deposited and were got to be delivered only after the sign board was displayed by Shri K.K.Balan. The explanation was not accepted and the impugned order A8 was issued. Against this applicant filed an appeal and review which were also rejected by Annexures.A10 and A12. The applicant has

alleged that the Consumer Forum happened to pass an award because the case was not properly conducted on behalf of the respondents and that as the applicant had only acted in accordance with the instructions given by the Assistant Superintendent of Post Offices, he cannot be faulted for non-delivery of the postal articles till Shri K.K.Balalan had put up a sign board. With these allegations the applicant has filed this application for having the impugned orders set aside.

3. We have carefully gone through the application and annexures thereto and have heard the learned counsel appearing for the parties. The applicant admittedly was the Sub Post Master, Varam Post Office. The area of operation of a Sub Post Office is usually very limited. When a resident of the area had given an instruction that the letters addressed to him might be delivered to a particular Door Number, it is for the Sub Post Master to accept that and cause delivery of the postal articles. He is not expected to make a long and detailed enquiry of the matter by referring the matter to the ASPO. If the SPM wanted to be sure about the identity of Shri Balan he could have insisted that Shri Balan should prove his identity. He could also make an enquiry from the Village Office or the local body to ascertain whether the individual who gave that instruction was Shri Balan himself and whether he was a permanent resident of that door number. Without caring to do all these things, he waited till a sign board was displayed at the place of business of Shri K.K.Balan to deliver the postal articles. If a person does not intend

to display a sign board at his place of residence or at the place of his business, that does not mean that he is not residing or that he is not doing business there. The applicant has, therefore, caused considerable inconvenience to the addressee Shri K.K.Balan and has also caused a loss to the department by exposing themselves to proceedings before the Consumer Forum and making the department liable for payment of compensation. Under these circumstances, we do not consider that the imposition of a penalty of recovery of a part of the compensation which the department have to shell out, is either excessive or unjustified. The issue involved in this case is too trivial to be taken note of by the Tribunal. We do not find any legitimate grievance of the applicant which <sup>is</sup> required to be taken note of by the Tribunal and therefore, we reject this application under Section 19(3) of the Administrative Tribunals Act. There is no order as to costs.

Dated the 9th day of June, 1998.

  
P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

|ks|

LIST OF ANNEXURES

1. Annexure A8: Proceedings (Memo) No.CPT/CDRF-1/93 dated at Cannanore - 670 001, the 26-4-95 issued by the Superintendent of POs Cannanore.
2. Annexure A10: Proceedings No.Staff/30-10/95 dated 11.8.95 issued by the Director of Postal Services Northern Region, Calicut 673 011.
3. Annexure A12: Proceedings No.F. No.2-15/97-VP dated 4.2.97 issued by the Government of India, Ministry of Communication, Department of Posts, New Delhi-110 001.

.....