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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH

Registration O.A. No. 8 of 1991

M.L.Kureel Applicant

Versus

Union of India & Others Respondents

Hon. Mr. Justice U.C.Srivastava, V.C.

Hon. Mr. A.B.Gorthi, Member (A)

(By Hon. Mr. Justice U.C.Srivastava, V.C.)

The applicant has approached this Tribunal against the penalty which was awarded to him after retirement. The penalty was awarded to him of the act of omission and commission for which he has been penalised deduction of 5% in his pension for a period of one year. The applicant retired as Sr.Supt. of Post Offices on 31.8.86 while proceedings against him were initiated in the month of February, 1986. The charge against the applicant was that he while functioning as Sr. Supdt. of Post Offices had allowed two substitutes having less than three years service to appear in the test for group 'C' and group 'D' category and declared them as successful candidates inspite of the fact that they were not eligible to appear in the said test. It was said that he had done it in good faith relying on a circular which was interpreted by him as is applicable to all the employees ^{including} of the substitutes. The version was not accepted and a show cause notice was issued. Issuance

of the show cause notice was challenged by the applicant but he could not succeed in the same.

Ultimately the penalty was awarded to him.

The learned counsel for the applicant contended that the proceedings were initiated and action by some other authorities was in between and the matter was dealt with and the penalty was awarded by the third authority. So far as the punishing authority is concerned, there is no doubt and dispute that the authority was ~~@@@~~ competent. It has not been shown to us that the authority which initiated the proceedings was not competent to do so or there was no delegation of powers to the authorities in his favour. It was then contended that the full opportunity was not given to him and documents were not provided. The penalty was so clear, and the charge was not clear but the reply was so clear that the same could not be imposed in any way. Even the show cause notice was issued to him. The U.P.S.C. was consulted and on his advice the punishment was awarded. We do not find any error in the procedure or any denial of the principles of natural justice. The contention that no such punishment should have been awarded after retirement which is without substance. In view of the observations, it does not call for any interference. The application is accordingly dismissed.

Manoj

Member (A)

Vice Chairman

Vice Chairman