

RESERVED

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW**

**Original Application No.312/06
This the 27 day of July 2012**

Hon'ble Dr. K.B.S. Rajan, Member (J).
Hon'ble Mr. S.P. Singh, Member (A)

Smt. Mamta Srivastava, aged about 51 years, wife of Late Sri Vidya Mohan Srivastava, Resident of 13/2 Malviya Nagar, Dalibagh, Lucknow.

...Applicant.

By Advocate: None

Versus

1. Union of India, through Secretary, Department of Posts and Telecommunication, Dak Bhawan, New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Director Postal Services, Head Office, Lucknow.
4. Senior Superintendent, R.M.S. 'O' Division, Lucknow.

.... Respondents.

By Advocate: None

(Reserved on 25.7.2012)

ORDER

By Dr. K.B.S. Rajan, Member (J).

When the case was called for hearing, none appears on either side. The case is being decided invoking the provisions of rule 15 and 16 of the Central Administrative Tribunal (procedure) Rules, 1987.

2. The applicant is the widow of late Vidya Mohan Srivastava, who was serving as Sorting Assistant in HRO/SPO- RM'O' Division, Lucknow. The said deceased individual was facing a departmental enquiry and was ultimately dismissed from service on the basis

of the charges having been proved. He had thereafter filed an appeal before the appellate authorities. It was during the pendency of the appeal the individual expired. Taking note of the same and on consideration of the appeal, the appellate authority converted the penalty from dismissal to one of compulsory retirement. The applicant (widow of the individual) moved this application challenging the penalty order and the appellate order and prayed for quashing and setting aside of the same as also for consequential benefits.

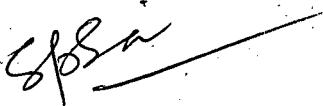
3. Respondents have contested the OA. According to them the charge levelled against the applicant's husband was serious enough in that two insured bags which were received by him were not dispatched and thus the individual had violated the provisions of the Rules 29, 46 and 105 of the P & T Manual Vol VII and Rule 144 (b) of P & T Manual Vol. V. This had resulted in a huge loss of Rs.1,38,150/- to the Department. The enquiry was connected strictly in accordance with the procedure laid down in the relevant rules. Penalty of dismissal was reduced to one of compulsory retirement on sympathetic consideration and keeping in view the fact that the applicant's husband had already expired.

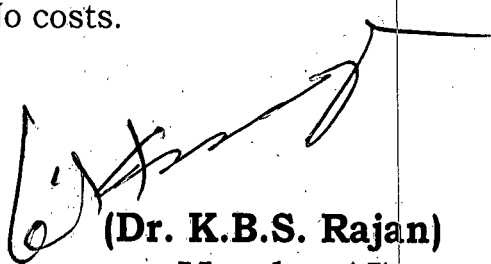
4. The applicant had filed her rejoinder denying certain facts as contained in the counter. As per the charge sheets there was no financial loss reflected therein. The averments in contentions raised in the original application were reiterated.

5. Pleadings were perused and it is seen that the enquiry authority had given his reports whereby it is observed that full opportunity was given to the applicant's husband to defend the case. In fact, the applicant's husband himself entered the witness box. Thus, the statutory provisions of Rule 14(18) of the CCS (CC&A) Rules, 1965 have also been fully complied with. It was after a thorough enquiry that the Inquiry Officer held the applicant guilty of the misconduct. And the disciplinary authority had taken into account all the contentions of the applicant's husband and

agreed with the findings of the enquiry officer and passed the order of dismissal from service. The appellate authority, had in detail reflected in its order the grounds of appeal and met each one of them and arrived at the conclusion that the charges stood proved against the applicant's husband; however, keeping in view the fact that the said individual having expired leaving his widow, on sympathetic consideration, the penalty of compulsory retirement was substituted to the penalty of dismissal.

6. Hence, we find no fault in the conducting of the inquiry. The OA is, therefore, dismissed on merit. No costs.


(S.P. Singh)
Member (A)


(Dr. K.B.S. Rajan)
Member (J)

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