

(2)
CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 409/87

Shri Hambirrao

... Applicant.

V/s.

The DirectorGeneral(Posts)
Department of Posts,
Dak Bhavan, Sansad Marg,
New Delhi.

The Postmaster General
Maharashtra Circle,
Bombay.

... Respondents.

CORAM: Hon'ble Shri Justice S.K. Dhaon, Vice Chairman
Hon'ble Ms. Usha Savara, Member (A).

Appearance

Shri B.Dattamurthy , counsel
for the applicant.

Shri P.M.Pradhan, counsel
for the respondents.

ORAL JUDGEMENT

Dated: 11.11.92.

(Per Shri S.K. Dhaon, Vice Chairman)

Disciplinary proceedings were initiated against the applicant in his capacity as Superintendent of Post Offices. A charge memo was given to him. It was made clear that the proceedings had been initiated under Rule 16 of the CCS (CCA) Rules 1965. On 16.8.85 the Postmaster General Maharashtra Circle passed an order of punishment. It directed that the next increment due to the applicant at the stage of Rs.1040/- be held up for a period of 30 months from the due date. He made it clear that the order will not have the effect of postponing any further increment after the aforementioned period is over. The appellate authority on 24.6.86 dismissed the appeal preferred by the applicant. It, however, modified the punishment. It directed that the increment of the applicant would be stopped for a period of 2 years. The two orders are being impugned in the present application.

The memo of charge given to the applicant contains a number of charges. One of the charges was that, during the period 24.10.77 to 30.8.80, he sanctioned LTC advances for more than once to the officers for the same block year. The applicant was called upon to give a written reply. Instead of doing so, he made a request that copies of certain documents may be given to him. Eventually he was permitted to inspect certain documents in order to prepare his notes. The documents which were allowed to be inspected comprised all the 13 LTC cases referred to in the charge memo. The applicant was also permitted to take notes of the documents after inspection.

The Punishing authority came to the conclusion that the applicant sanctioned LTC advances more than once to the following officers in the same block year : -
(a) Shri L.K. Damte (b) Shri V.D. Gujalwar (c) Shri S.V. Birajdar (d) Shri P.D. Dhavad.

The appellate authority, while dealing with the aforementioned LTC advances, has recorded the finding that the applicant could not justify the giving of the aforementioned advances, as it was nobody's case that the aforementioned officers had changed their destination.

Before us, it is contended that the applicant was seriously prejudiced in so far as he was not given a reasonable opportunity to defend himself because he was not given copies of necessary documents. We have heard learned counsel for quite sometime. We have also perused relevant documents. We are satisfied that, so far as the charge that the applicant had given LTC advances to the aforementioned officers during the same block year was concerned, the applicant did not suffer any prejudice at all, even if it is accepted that he was not given copies of certain documents. We have already indicated that he

inspected all the documents concerning the LTC cases.

He had, therefore, full opportunity to examine the said documents and he even prepared notes from them. Nothing has been brought to our notice to persuade us to take the view that the two authorities below either acted irrationally or arbitrarily or in a perverse manner in coming to the conclusion that the charge that the applicant had given LTC advances to the aforementioned four officers twice in the same block year had been brought home to the applicant.

Learned counsel has urged that the punishing authority imposed the punishment of the stoppage of the two increment illegally insofar as its order amounted to giving a retrospective effect. We do not find any infirmity in the order of the punishing authority. It made it clear that the increments of the applicant will be held up for the period of 30 months from the stage of Rs.1040/- from the due date. The due date admittedly was 1-10-85. The idea, in our opinion, he meant to convey was that the increment of the applicant on or after 1-10-85 shall remain stayed for a period of 30 months. Ambiguity, if any, had been clarified by the appellate authority. It made it clear that the stoppage of increment will be for a period of two years. It has been brought to our notice that the applicant was allowed to cross efficiency bar with effect from 1.10.83. We make it clear that whatever emoluments the applicant was getting or was entitled to receive in accordance with law on the date immediately preceding 1-10-85 was to be paid to him.

This application has no force. It is dismissed but without any order as to costs.

Usha Savara
(USHA SAVARA)
Member(A)
NS

S.K.Dhaon
(S.K.DHAON)
Vice-Chairman