

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI
CAMP AT AURANGABAD

ORIGINAL APPLICATION NO: 294/99

WEDNESDAY the 5th day DECEMBER 2001

CORAM: Hon'ble Shri S.R. Adige, Vice Chairman

Hon'ble Shri S.L.Jain, Member (J)

Vikramsing Jekamsing Jamanekar

R/at : Thalner

At P.O. Thalner, Dhule.

... Applicant

By Advocate Shri S.P.Kulkarni.

V/s

1. Union of India through
Department of Posts
Senior Superintendent of
Post Offices,
Dhule Postal Division,
At P.O. Dhule.

2. The Director of Postal
Services, Office of the
Postmaster General,
Aurangabad Region,
At P.O. Aurangabad.

... Respondents.

By Advocate Shri V.S. Masurkar.

ORDER (ORAL)

(Per S.R. Adige, Vice Chairman)

The applicant impugns charge memo dated 15.4.1998
(Annexure A-3), Disciplinary Authorities's order dated
30.6.1998 (Annexure A - 2) and the Appellate Authority's
order dated 16.11.1998 (Annexure A - 1).

2. Heard both sides.

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3. The applicant was proceeded against departmently for a minor penalty under Rule 16 of CCS (CCA) Rules vide charge memo dated 15.4.1998, alleging that while working as SPM Shirpur on 16.7.1997 he accented complaints from Shri B.M. Pagare and other Postal Assistant of Shirpur against Shri B.N. Sonawane then SPM, Upper Shirpur, but leaked its contents to other staff though the complaints were ^{sensitive} ~~similarity~~, and forwarded it to the Divisional Head with written comments of his staff and his own comments, during the Maharashtra Bundh sponsored by some Dalit Organisation in protest against firing incident dated 10.7.1997 at Ghatkopar, Mumbai.

4. The applicant submitted his reply to the charge sheet on 22.4.1998 (Annexure A - 5) .

5. Upon consideration of the materials on record including applicant's reply to the charge sheet, the Disciplinary Authority by impugned order dated 30.6.1998, held applicant guilty and imposed a minor penalty of withholding of one increment admissible to applicant for a period of 15 months without commulative effect.

6. Applicant's appeal against the aforesaid order was rejected by impugned order dated 16.11.1998 (Annexure A - I) giving rise to the present OA.

7. The main ground advanced by the learned counsel for the applicant, Shri S.P. Kuikarni is that before imposition of the penalty the respondents should have

hold a proper enquiry, in which, applicant should have been given an opportunity to dis-prove the materials contained in the charge sheet.

8. Shri Kulkarni has not been able to show us any document submitted by the applicant specifically asking the authorities to hold a regular enquiry. He however refers to para 8 of the applicant's representation dated 22.4.1998 (Annexure A - 3) in which he had stated that he was also a member of Backward Community and the copy of the Enquiry Officer's report should be supplied to him with other relevant documents. As no enquiry was held the question of supply of Enquiry Officer's report does not arise. Shri Kulkarni, however, states that the applicant was referring to the investigating officers report, when he sought for copy of the Enquiry Officers report. Applicant also did not specify which documents he considered relevant.

9. In this connection Government of India instructions No.2 below Rule 16 of CCS (CCA) Rules are relevant. This refers to Rule 77 of P & T Manual Vol.III which lays down that Rule 16 of CCS (CCA) Rules 1965, does not make it incumbent on the part of the Disciplinary Authority to give the accused official an opportunity to inspect the relevant records, provided no formal enquiry is considered

necessary by the Disciplinary Authority. If however, an accused officer in such a case makes a request for permitting him to inspect the relevant records to enable him to submit his defence, the Disciplinary Authority may grant the necessary permission.

10. In this connection we note that the applicant had already submitted his defence vide his representation to the charge sheet dated 15.4.1998 (Annexure A - 5) in which he had denied the allegations contained therein, and further added that if he had committed any irregularity he should be excused for the same.

11. In the light of the above, we are not in a position to hold that any prejudice was caused to the applicant, if no detailed disciplinary enquiry was held before the penalty was imposed. In the case of Food Corporation of India, Hyderabad and Others V/s A Prahalada Rao and Another, ATJ 2000 (1) 239, while referring to the Food Corporation of India (Staff) Regulations, 1971 the Hon'ble Supreme Court has held that where minor penalty is imposed it is not necessary in all cases to hold a full fledged enquiry. No doubt the aforesaid rule has been made in the context of FCI(Staff) Regulations 1971, but

in so far as the CCS(CCA) Rules are concerned also, it is clear that no detailed disciplinary enquiry is required before a minor penalty is imposed. Further the appellate order makes it clear that applicant had admitted his misconduct in disclosing the contents of the complaints.

12. In the light of the aforesaid discussion, we see no reason to warrant interference in this case. The OA is dismissed. No costs.

S.L. Jain
(S.L. Jain)
Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

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