

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

OA 162/2000

MUMBAI, THIS THE 12TH DAY OF JUNE, 2001

HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

N.M.Shaikh
Sorting Assistant, H.R.O.
Kazi Block, 'L' Division
R.M.S.Bhusaval Distt. Jalgaon
PIN - 425 201.

...Applicant

(By Advocate Shri K.R.Yelwe)

V E R S U S

1. Union of India : through
The Chief Postmaster General
Maharashtra Circle
General Post Office, MUMBAI-400 001.
2. The Director of Postal Services
Aurangabad Division
Aurangabad (MAHARASHTRA)
Pin - 431 002.
3. The Postmaster General
Aurangabad Region
Aurangabad - 431 002.
4. The Senior Superintendent
R.M.S. 'L' Division
Bhusaval, Pin - 425 201.
5. The Head Record Officer
R.M.S. 'L' Division
Bhusaval - 425 201.

...Respondents

(By Advocate Shri V.S.Masurkar)

O R D E R (ORAL)

BY HON'BLE SHRI GOVINDAN S. TAMPI,

Shri N.M.Shaikh, Sorting Assistant in R.M.S. Bhusaval has challenged the order dated 31-5-1999 passed by the disciplinary authority, reducing his pay by one stage from Rs. 4700/- to Rs. 4600/- for a period of 12 months and the appellate order dated 10-8-1999 by Director of Postal Services, Aurangabad confirming the above.

2. Heard Shri K.R.Yelwe and Shri V.S.Masurkar, learned counsel for the applicant and the respondents respectively.

3. The applicant has been penalised by order dated 31-5-1999 passed by the Senior Superintendent, R M.S. 'L' Division, Bhusaval for having availed himself of the facility of LTC twice against 4 year block of 1982-85 i.e. LTC for Howrah from 12-6-1982 to 19-6-1982 and second LTC availed for New Delhi from 29-4-1985 to 8-5-1985 with his family. The facts of the case are not disputed and hence the impugned order. The appellate authority has confirmed it. According to Shri K.R.Yelwe, learned counsel for the applicant, this is a case where the Department has proceeded against the applicant on an action after a very long time of nearly 13 years and, therefore, this inordinate delay was improper and no reason has been adduced by the respondents justifying this delayed action. According to him his case is covered by the decision of the Apex Court in State of Madhya Pradesh Vs. Bani Singh & Anr. (1990 SCSLJ 154). The inordinate delay on the part of the respondents should go in favour of the applicant and the punishment should be set aside, argues Shri Yelwe.

4. Shri V.S.Masurkar, learned counsel on the other hand points out that the action of the respondents for initiating proceedings for improper availment of two LTC for the same block and imposing penalty on the applicant was correct, as the fact was proved and admitted. Appellate authority had also legally confirmed it.

Further the punishment imposed was only a minor penalty of reduction in pay by one stage. There was no casue for any modification, urges Shri Masurkar.

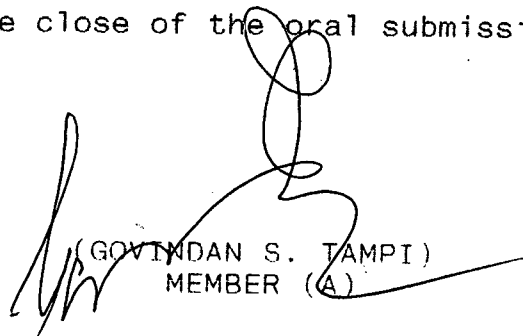
5. Having considered the facts brought on record, I am convinced that the applicant has no case. The availment of the two LTC during the same block period is proved as an admitted fact and, therefore, the action taken by the respondents not to be called in question. It is true that the disciplinary authority woke up to their responsibilities and deducted the incorrect double availment of the facility only on a very late date. That, however, does not detract from the correctness of the action.

6. The proceedings have been initiated correctly, conducted properly and decided fully in accordance with law. The appeal has also been disposed of in the proper manner. The punishment accorded is reasonable. The Hon'ble Apex Court's decision cited by the applicant is clearly distinguishable from this case, as this is an admitted and proved case of incorrect availment of LTC, which had to be dealt with.

7. The applicant has not made out any case to justify the Tribunal's intervention. OA, therefore, fails and is accordingly dismissed.

8. No costs.

9. The operative portion of the order was pronounced in the Court at the close of the oral submissions.


(GOVINDAN S. TAMPI)
MEMBER (A)

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