

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO.717/2000

MONDAY THE 02ND DAY OF JUNE, 2003

CORAM: HON'BLE SHRI JUSTICE B.N. SINGH NEELAM VICE
CHAIRMAN
HON'BLE SHRI V. SRIKANTAN. MEMBER (A)

Smt. Surekha Govindrao Vispute,
W/o Govindrao Vispute,
Age: 47 years working as
Asstt. Manager (Stores)
Postal Stores Depot, Nashik,
Nashik P.O.-422 006. .. Applicant

By Advocate Shri S.P. Kulkarni.

Versus

1. Union of India through
Superintendent of Postal
Stores Depot,
Department of Posts, Ministry
of Communications, Govt. of India,
At P.O. Nashik-422 006.
2. The Director of Postal Services,
Aurangabad Region, Office of the
Postmaster General, Department
of Posts, Ministry of Communications,
Govt. of India, Aurangabad Region,
At PO Aurangabad-431 002.
3. The Postmaster General,
Aurangabad Region, Department of
Posts, Ministry of Communications,
Government of India, At PO
Aurangabad-431 002. .. Respondents

By Advocate Shri V.S. Masurkar.

O R D E R
Hon'ble Shri Justice B.N. Singh Neelam, Vice Chairman.

Both sides lawyers are present. The applicant
Smt. S.G. Vispute is represented by learned counsel
Shri S.P. Kulkarni. On behalf of the applicant this
Original Application was filed challenging the order so

passed by Disciplinary Authority on 31.3.2000 and also the order so passed by the Appellate Authority dated 21.6.2000 copies of which are placed and marked as Annexure-A and Annexure-B respectively. IN the course of arguments on behalf of the applicant, learned counsel has confined his argument only submitting that the orders challenged are liable to be set aside on the single ground that the major penalty so imposed which was also so confirmed by the Appellate Authority without holding an inquiry which rather should not have been done in a case while awarding major penalty. In support of this contention reference is made to the operative portion of the order so passed by the Disciplinary Authority at page 21 of this Original Application which runs as under:

" I R.N. Tajanpure, Superintendent, Postal Stores Depot, Nashik-6 by virtue of powers vested in me under Rule 12 of CCS (CC&A) Rules, 1965 hereby order that the pay of Smt. S.G. Vispute, Asstt. Manager (Stores) Postal Stores Depot, Nashik-6 be reduced by 3 stages from 5750/- to Rs.5300/- in the time scale of pay of Rs.5000-150-8000 for a period of 30 months with effect from 01.04.2000. It is further directed that Smt. S.G. Vispute will not earn increments of pay during the period of reduction and that on the expiry of this period, the reduction will not have the effect of postponing her future increments of pay."

2. It has also been pointed out that the Appellate Authority without going into the matter deeply affirmed the order so passed by the Disciplinary Authority holding that the penalty so imposed was not a major penalty and the matter thus was not looked into with

right perspective in the hands of the Appellate Authority. In support of this contention applicant made a reference to the provisions of Rule 11 (v) of the CCS (CCA) Rules which runs as under:

" save as provided for in Clause (iii)(a), reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay"

3. It is in this context pointed out by going through the operative portion of the order so passed by the Disciplinary Authority quoted above, it is clear that such penalty should not have been imposed without holding an inquiry which has not been done in the present case arguing that the order so passed by the Disciplinary Authority and Appellate Authority are liable to be interfered with.

4. On behalf of the respondents, the learned counsel Shri V.S. Masurkar has rather argued on the line of the averment so made in the written statement so filed. It is submitted that the orders under challenge do not require any interference.

5. After hearing both sides lawyers we have looked into the penalty so imposed in connection with the matter in the disciplinary proceeding with that of the

provisions so contained in Rule 11 (v) of the CCS (CCA) Rules. In our opinion, the penalty so imposed can well be said to be major. So as to meet the ends of justice inquiry ought to have been held for awarding such penalty, which has not been done so. That being the position, the orders so passed by the Disciplinary Authority as well as by the Appellate Authority referred to above, stand set aside and the matter is remanded back to the Disciplinary Authority for looking into the matter afresh in accordance with law and pass necessary order. At the time of argument advanced by the applicant, it was so submitted that the matter can be remanded to the Disciplinary Authority and it will be upto the Disciplinary Authority either to hold inquiry, then the Disciplinary Authority will be within its limit to pass major penalty to decide to pass minor penalty modifying the penalty so levelled against the applicant accordingly.

6. In the background and facts and circumstances of the case we set aside the orders so passed by the Disciplinary Authority dated 31.3.2000 with that of Appellate Authority dated 21.6.2000, remand the matter to the Disciplinary Authority to reconsider the matter in accordance with the provisions of law as detailed above also in the light of the observations so made by us and to decide the matter afresh within a period of

...5.

three months from the date of receipt of copy of this order. This Original Application so filed stands disposed of accordingly. parties to bear their own costs.



(V. SRIKANTAN)
MEMBER (A)



(B.N. SINGH NEELAM)
VICE CHAIRMAN

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