

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE.

DATED THIS THE 28TH OCTOBER, 1986

Present: Hon'ble Mr Justice K.S. Puttaswamy Vice Chairman  
Hon'ble Mr L.H.A. Rego Member (AM) (R)

Application No. 916/86

G.M. Bijli,  
Public Relation Inspector,  
Postal Department,  
Head Post Office,  
Mysore - 570 001. ... Applicant

(Shri K.S. Subba Rao ... Advocate)

Vs.

- 1) Union of India  
represented by its Secretary,  
to Ministry of Communication,  
Posts and Telegraphs,  
New Delhi.
- 2) Post Master-General,  
Indian Posts and Telegraphs Department,  
Karnataka Circle,  
Bangalore-560 001.
- 3) The Post Master,  
Mysore Head post office,  
Indian Posts & Telegraphs  
Department,  
Mysore - 570 001. ... Respondents

(Shri M. Vasudeva Rao .... Advocate)

The application has come up for hearing  
before Court today, Vice-Chairman made the  
following:-

O R D E R

In this transferred application received from  
the High Court of Karnataka under Section 29 of the  
Administrative Tribunals Act of 1985 (the Act), the  
applicant has challenged Order No. 114/305/81-Vig.  
III dt. 3-2-82 of Government of India (Govt) (Annexure F)  
and the orders in Memo No. STA/9-3/39/81 dated 4-8-81

.....2/-

(Annexure E) of the Director of Postal Services, Bangalore Region, Bangalore (Director), and Memo No.G-8/2-II dt 30-3-81 (Annexure C) of the Postmaster, Mysore Head Office, Mysore (Postmaster).

2. At the material time, the applicant was working as Public Relations Inspector(PRI) in the office of the Postmaster. In the performance of the duties of the applicant, the Postmaster who is also the Disciplinary Authority (DA) noticed certain omissions and commissions and therefore he issued the articles of charge and statement of imputations on 6-3-1984 (Annexure A) under Rule 16 of the Central Civil Services (Control, Classification and Appeal) Rules, 1965(Rules). The charges levelled against the applicant were as under:

- "(a) failed to carry out the orders of the superior authorities.
- (b) exceeded his powers, and
- (c) failed to perform the legitimate duties entrusted to him contravening the provisions of Rule 3(I)(ii) and 3(I) (iii) of the CCS(Conduct) Rules, 1964."

On receipt of the articles of charge and the statement of imputations, the applicant filed his written statement. On examination of the charge memo, the written statement (WS) and all other material, the Postmaster by his order dt. 30th March, 1982 inflicted the penalty of stoppage of one increment for a period of 2½ years without cumulative effect. Aggrieved by the same, the applicant filed a belated appeal before

the Director who, by his order dt. 4.8.81, rejected the same as barred by time. Aggrieved by the said orders, the applicant filed a second appeal before Government which by its order no. 114/305/81-Vig.III dt 3.2.82, had modified the penalty of stoppage of one increment for a period of 2 years without cumulative effect. Hence, this application.

3. Shri K.S.Subba Rao, learned counsel for the applicant, strenuously contends that the procedure adopted by the DA, who had not held a regular inquiry and recorded evidence before inflicting the penalty, was contrary to the rules and the principles of natural justice and that illegality had been erroneously upheld by the appellate authorities.

4. Shri M.Vasudeva Rao, learned additional Government standing counsel appearing for the respondents refuting the contentions of Shri Subba Rao contends that the procedure adopted was legal and valid.

5. We have earlier noticed that the DA inflicted the penalty of stoppage of withholding one increment for a period of 2½ years which had been modified by the second appellate authority.

6. The punishment imposed against the applicant by the original authority or by the second appellate authority is only a "minor punishment" under the Rules. In cases of minor punishment, the rules require the authority to issue the articles of charge and statement

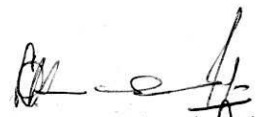
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of imputations, consider the written statement of defence to be filed by the civil servant and impose one or the other minor punishment under the Rules. From this it follows that the procedure adopted by the DA was in conformity with the Rules. When the rules provide for a specific and detailed procedure, the applicant cannot contend that the authority should have held a regular enquiry as in the case of imposition of major penalties. It is well settled that the principle of natural justice cannot be invoked in derogation of the Rules. We therefore see no merit in this contention of Shri Subba Rao and reject the same.

7. We are informed that the applicant had retired from service with effect from 30-6-86. We are of the view that this is also sufficient and valid ground on which we should decline to interfere with the orders of the authorities.

8. In the light of our above discussion, we hold that this application is liable to be dismissed. We therefore, dismiss this application. But in the circumstances of the case, we direct the parties to bear their own costs.

  
VICE CHAIRMAN

  
MEMBER (AM) (R)

/sr/