

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex (BDA),
Indiranagar,
Bangalore - 560 038

Dated : 3/9/87

APPLICATION NO 199 /87 (F)

W.P. NO _____

Applicant

Shri S. Dodda Chenna

V/s The Sr. Supdt. of Post Offices,
Bangalore West Divn & 2 Ors

To

1. Shri S. Dodda Chenna
Group 'D'
Office of the Senior Superintendent
of Post Offices
Bangalore West Division
Bangalore - 560 010
2. Shri M. Madhusudan
Advocate
1074-1075, Banashankari I Stage
Bangalore - 560 050

3. The Senior Superintendent of
Post Offices
Bangalore West Division
Bangalore - 560 010
4. The Director of Postal Services
Karnataka Circle
Bangalore - 1
5. P & T Board
Ministry of Communications
New Delhi - 110 001
6. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Bldg, Bangalore - 1

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/STANZA/
INTERIM ORDER passed by this Tribunal in the above said
application on 1-9-87.

By authority
DEPUTY REGISTRAR
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Encl : as above

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 1ST SEPTEMBER, 1987

Present: Hon'ble Justice Shri K.S. Puttaswamy Vice-Chairman
Hon'ble Shri P. Srinivasan Member (A)

APPLICATION NO. 199/87(F)

S. DODDA CHENNA
C/o Sri M. Ragavendra Achar,
Advocate,
No. 1074-1075,
Banashankari 1st Stage,
Bangalore-50.

Applicant

(Shri M. Madhusudan.... Advocate)

1. Sr. Supdt. of Post Offices,
Bangalore West Division,
Bangalore-10.

2. Director of Postal Service,
Karnataka Circle,
Bangalore.

3. P & T Board,
Ministry of Communications,
NEW DELHI-110001.

Respondents

(Shri M.V. Rao.....Advocate)

This application has come up for hearing
before this Tribunal to-day, Hon'ble Member (A)
made the following :

O R D E R

This is an application under Section 19
of the Administrative Tribunals Act, 1985.

2. The applicant was directly appointed as
a Postal Assistant with effect from 28.3.1972.

In May 1985, disciplinary proceedings were
initiated against him by the Senior Supdt. of
Post Offices (SSPO) Bangalore (Respondent 1).

The charge against the applicant was that he



P. S. S.

was found under the influence of intoxicating drinks in the office on 30.4.1985 when he was working at the Enquiry counter of Chickpet Post Office and he had behaved in a manner unbecoming of a Government servant. An inquiry was held and on the basis of the Inquiry Report, Respondent 1 imposed the penalty of compulsory retirement from service on the applicant by order dated 14.11.1985. On an appeal filed by the applicant, the Director of Postal Services, Karnataka (Respondent 2), by order dated 22.1.1986, reduced the penalty to one of reduction to the lower cadre of Group D and further ordered that his pay in Group D ~~would~~ be fixed at the minimum of the pay scale. The restoration of the applicant to the cadre of Postal Assistant and seniority would be considered by the Disciplinary Authority after a period of five years. The applicant filed a petition against this order to the Member (Personnel) Postal Services Board, Delhi, By order dated 27.5.1986 the Member (Personnel), Postal Services Board, rejected the said petition. In this application the applicant wants us to set aside original order of punishment dated 14.11.1985 (Annexure A), the appellate order dated 22.1.1986 (Annexure B) and the order dated 27.5.1986 (Annexure C) passed by the Member (Personnel), Postal Services Board, rejecting his petition.

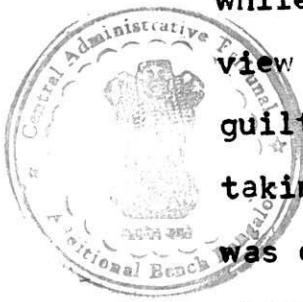


3. Shri M. Madhusudan, learned counsel appearing for the applicant contended that the fact that the applicant was found in a drunken state in the office had not been established and that in any case the penalty imposed was disproportionate to the charge levelled against the applicant.

He also pointed out that the applicant had been directly appointed as a Group C official and had never ^{since} ~~having~~ worked in Group D, he could not be reverted to a Group D post even by way of punishment.

4. Shri M.V. Rao, learned counsel appearing for the Respondents supported the orders of the Respondents and pointed out that the applicant had, in fact, admitted that he had taken intoxicating drinks on the day in question and that, therefore, not only was the guilt proved but the punishment imposed was fully deserved.

5. We have considered the rival contentions carefully. We have perused the records of the inquiry produced by the Respondents before us. We see that the applicant had in fact admitted that he had consumed intoxicating drink on the day in question ^{but} explained that he did so under ^M persuasion by somebody else. Whether he took drinks on his own or at the instance of another, the fact that he was found drunk while in office has thus been established. In view of this we have to uphold the finding of guilt. But on the quantum of the punishment, taking into account the fact that the applicant was directly recruited to Group C and that the charge was not one really involving moral



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turpitude though yet serious enough to deserve a major punishment, we feel that it would meet the ends of justice if the applicant is awarded the punishment of reduction to a lower stage in the time scale of pay for a specified period with cumulative effect. We, therefore, direct that the punishment be modified to that of reduction in his time scale of pay by three stages with cumulative effect.

6. In the result the application is partly allowed as indicated above. The modified punishment which we have directed to be imposed on the applicant will take effect from the date of the order imposing punishment for the first time ie., from 14.11.1985. Respondents are directed to pay to the applicant any arrears of pay resulting from this order for the period from 14.11.1985. Parties to bear their costs.



Sd/- —
(K.S.PUTTASWAMY) (a/s)
VICE-CHAIRMAN

Sd/- —
(P. SRINIVASAN)
MEMBER (A)

'True copy'

SV. Venkatesh
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
3/3