

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCHAPPLICATION No. 262/87(F)

(WP. NO.

COMMERCIAL COMPLEX, (BDA)
INDIRANAGAR,
BANGALORE-560 038.DATED: 23/7/87APPLICANT

Vs

Shri M.R. Srinivasa
TO

1. Shri M.R. Srinivasa
1195, Kamalanagar
Bangalore - 560 079
2. Shri N. Shankaranareyana Bhat
Advocate
220/5, I Main
S.R. Nagar
Bangalore - 560 027
3. The Senior Superintendent
R.M.S. Bangalore Sorting Division
Bangalore - 560 026
4. The Director of Postal Services(H.B.)
Karnataka Circle
Bangalore - 560 001

5. The Chairman
Postal Services Board
Department of Post
Ministry of Communication
New Delhi - 110 001

6. Shri M.S. Padmarajaiah
Senior Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

Rec'd 23/7/87
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Rec'd 23/7/87
Rec'd 23/7/87

SUBJECT: SENDING COPIES OF ORDER PASSED BY THE BENCH IN APPLICATION NO. 262/87(F)

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Please find enclosed herewith the copy of the Order
passed by this Tribunal in the above said Application on
15-7-87

ENCL: As above.

*for DEPUTY REGISTRAR
(JUDICIAL)*

*Swd
Please
forward
to whom*

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 15th DAY OF JULY, 1987

Present : Hon'ble Sri Ch.Ramakrishna Rao

Member(J)

Hon'ble Sri P.Srinivasan

Member(A)

APPLICATION No.262/87(F)

M.R.Srinivasa,
R/a No.1195, Kamalanagar,
Bangalore - 79.

...

Applicant

(Sri N.Shankaranarayana ... Advocate)

Vs.

1. The Senior Superintendent,
R.M.S.Bangalore, Sorting Division,
Bangalore - 26.

2. The Director of Postal Services(H.B.)
Karnataka Circle, Bangalore - 1.

3. The Government of India, by
the Postal Service Board by its
Chairman, Department of Posts,
Ministry of Communication,
New Delhi - 1. ...

(Sri M.S.Padmarajaiah ... Advocate)

Respondents

This application has come up before the court today.

Hon'ble Sri Ch.Ramakrishna Rao, Member(J) made the following :

ORDER

A departmental inquiry was initiated against the applicant, who was working as a Mail Man in Bangalore City RMS in respect of two charges. The first was that during the year 1983, he absented from duty unauthorisedly, i.e., without prior permission, on six occasions, as enumerated in Annexure-II of the Memorandum of Charges(Annexure-1 to the application). The second was that he during the period from January 1983 to January, 1984, absented from duty on 14 occasions, out of which his absence for 13 occasions was on medical grounds.

The Charges were inquired into and the inquiry officer(IO) held that the charges were established. The disciplinary authority, i.e., The





Senior Superintendent, RMS, Bangalore (Respondent No.1,R1) accepted the findings and imposed the penalty of dismissal from service by order dated 30.1.1986. The applicant preferred an appeal to the Director of Postal Services(HB), Karnataka Circle, Bangalore(R2), who, while confirming the findings, reduced the penalty to that of compulsory retirement. The applicant, thereafter, sought a review of the order of R2, which was rejected by the Member, Postal Services Board(R3) by order dated 14.7.1986. Aggrieved by this order, the applicant has filed the present application.

2. Sri N.Shankaranarayana Bhat, learned counsel for the applicant, does not canvass the correctness of the findings of the IO, which were accepted by respondents 1 to 3. He, however, submits that the penalty of compulsory retirement imposed on his client by R2 and confirmed by R3, is out of all proportion to the gravity of the charges levelled against him.

3. Sri M.S.Padmarajaiah, learned counsel for the respondents, strenuously contends that the conduct of the applicant in absenting himself on a number of occasions indicates that the applicant was not serious about performing his duties diligently and he was playing a truant, without attending the Office, regularly; that even after serving the Memo of charges on the applicant, he had absented himself ~~only~~ 26 times without prior permission or sanction and this itself warranted the imposition of the penalty of compulsory retirement on the applicant, though the absence of the applicant on all those occasions was subsequently regularised by granting appropriate leave; that repeated absences on the part of an employee at frequent intervals was detrimental to the discipline of the department and its smooth functioning. Sri Padmarajaiah also contends it is not within the province of this Tribunal to interfere in matters concerning quantum of penalty imposed by the authorities.

WJ

4. We have considered the rival contentions carefully. We are in agreement with Sri Padmarajaiah that the authorities should be very firm in curbing indiscipline and ensuring that the work of the department is carried on smoothly but on the facts and in the circumstances of this case, we are satisfied that the extreme penalty of compulsory retirement imposed on the applicant, who is only 33 years of age, by the authorities is highly excessive. We have no hesitation in holding that in such cases, this Tribunal would be justified in modifying the quantum of penalty. Accordingly, we modify the penalty of compulsory retirement to one of reduction to a lower stage in the time-scale of pay the applicant was entitled to at the relevant time. Now that the pay scales have been revised, the applicant will be reinstated and his pay fixed at the lower stage of the revised scale for Mail Men.

5. The applicant will not, however, be entitled for any back-wages for the period he has not worked. Any pension paid to him during the above period will also not be recovered from him. The period intervening will be treated as on duty for purposes, like pension, seniority etc.

6. In the result, the application is partly allowed to the extent indicated above. Parties to bear their own costs.



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MEMBER(J)

84 — —

MEMBER(A)

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-True Copy-

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
23/7/87