

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 8 JUN 1988

APPLICATION NO 914 / 87(F)

W.P. NO. _____

Applicant

Shri Chandrasekhar

Respondent

V/s The Sr. Supdt of Post Offices, Gulbarga & another

To

1. Shri Chandrasekhar
S/o Shri Nagalingappa
Mukum Post
Shorapur Taluk
Gulbarga District
2. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Sreenivasanagar II Phase
Bangalore - 560 050
3. The Senior Superintendent of
Post Offices
Gulbarga Division
Gulbarga
4. The Director of Postal Services
North Karnataka Region
Dharwad - 580 001
5. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY/INTERIM ORDER~~
passed by this Tribunal in the above said application on 2-6-88.

Encl : As above

d/c
RA. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 2nd DAY OF JUNE, 1988

Present : Hon'ble Sri Justice K.S.Puttaswamy Vice-chairman

Hon'ble Sri P.Srinivasan Member (A)

APPLICATION No. 914/87(F)

Chandrasekhar,
Mukum post,
Shorapur Taluk,
Gulbarga District. ... Applicant

(Sri M.R.Achar ... Advocate)

vs.

1. Senior Supdt. of Post
Office, Gulbarga Division,
Gulbarga.
 2. Director of Postal Services,
North Karnataka Region,
Dharwar. ... Respondents
- (Sri M.S.Padmarajaiah ... Advocate)

This application has come up before the Tribunal today. Hon'ble Sri P.Srinivasan, Member (A) made the following :

O R D E R

The applicant who was working as Extra Departmental Branch Post Master (EDBPM) at Pethampur was removed from service by the Respondent 1 acting as Disciplinary Authority (DA) by order dated 14.4.1987 (Annexure A) and an appeal against this order was rejected by R-2 acting as Appellate Authority (AA) by order dated 7.9.1987 (Annexure B). The applicant challenges both these orders.

2. Sri M.F.Achar, learned counsel for the applicant submitted that the charges levelled against the applicant were not so serious as to merit the punishment of removal from service particularly after he had put in about 21 years of service. Two charges were levelled against the applicant.



The first charge was that during various periods between 27.6.1986 and 30.10.1986, the applicant had got the books maintained in the Branch Post Office written by some body else while he should have written them himself. The second charge was that the applicant delayed payment of a money order for a sum of Rs.100 much in excess of 7 days and thereby displayed lack of devotion to duty. The applicant no doubt admitted that he had indeed got the books of the Branch Post Office during the period specified in the charge sheet written by his brother's son and that he had not written them himself. The applicant also does not dispute the fact that the payment of the money order had been delayed. However, since an EO Agent is permitted to appoint a substitute to work in his place when he goes on leave, allowing another person to write books while he is on duty, according to Sri Achar cannot be considered a serious offence. So far as the money order was concerned, the applicant had not used up the money himself but had only delayed its payment to the payer. There was no moral turpitude involved in this. In view of this Sri Achar submitted that the penalty imposed on his client was excessive.

3. Sri M.S.Padmaraajan, refuting the contentions of Sri Achar, submitted that the applicant had not done his duty on a number of days and had unauthorisedly asked somebody else to write the books of the Branch Post Office. This meant that the applicant was doing something else during the time when he should have attended to his duties. This amounted to serious dereliction of his duties for which he had been rightly punished with removal from service. Retention of money received under a money order for a long period and delayed payment of the same to the payee was also a serious lapse affecting the prestige of the post office and called

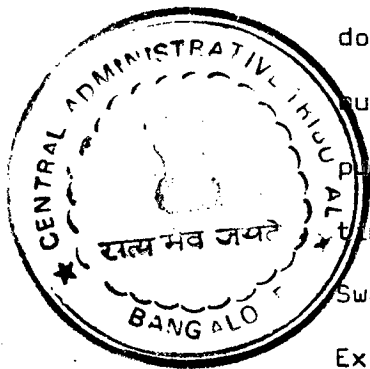


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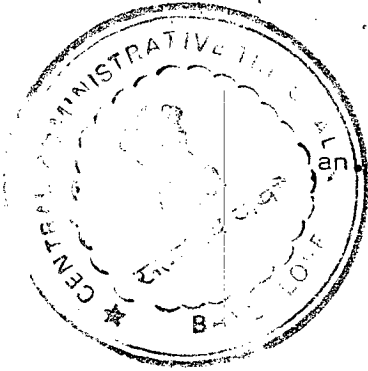
for drastic punishment. Sri Padmarajaiah, therefore, submitted that the punishment was well merited and that this Tribunal should not interfere with the same.

4. After hearing counsel on both sides we see no justification to interfere with the penalty imposed by the DA and upheld by the AA. The first charge against the applicant was that he did not himself write the books of the branch office ^{M for long periods} ~~on large number of days~~. This is indeed a case of serious dereliction of duty. We also agree that delayed payment of money orders over a long period is ^M ~~also~~ a serious matter. We, therefore, uphold the orders of the DA and the AA.

5. Having said so much, we must refer to a plea made by Sri Achar. Since the applicant was removed from service by way of punishment, he was denied ex-gratia gratuity which ^M ~~he~~ would have otherwise been allowed to him. Sri Achar submitted that this amounted to erasing service of over 20 years rendered by the applicant during which period he had performed his duties without giving rise to any complaint. The applicant should at least be paid this gratuity. We find merit in this plea of Sri Achar which Sri Padmarajaiah strongly opposes. Payment of gratuity is no doubt not provided for in the EDA Conduct and Service Rules but ex-gratia gratuity is paid to extra departmental employees pursuant to instructions issued by the Government from time to time. The said instructions appear at page 2 onwards of Swamy's Compilation of Service Rules for Post and Telegraph Extra Departmental Staff. In the peculiar circumstances of this case we direct Respondents to pay the applicant ex-gratia gratuity in accordance with instructions issued by the Government from time to time ignoring for this purpose the fact that the applicant had been removed from service by way of punishment.



6. In the result the application is dismissed
subject to the direction made above. Parties to bear their
own costs.



Sd/-
VICE-CHAIRMAN 20/1

Sd/-
MEMBER (A)

TRUE COPY

DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE