

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Commercial Complex(BDA),  
Indiranagar,  
Bangalore- 560 038.

Dated: 17-11-87

APPLICATION NO

97

187 (F)

W.P.No.

APPLICANT

Vs

RESPONDENTS

Shri Y.M. Krishna  
To

The Supdt of Post Offices, Bangalore  
Sub-Division, B'lore & 2 Ores

1. Shri Y.M. Krishna  
Group 'D' Official  
Chamarajapet Post Office  
Bangalore - 560 018
2. Shri M. Raghavendra Achar  
Advocate  
1074-1075, Banashankari I Stage  
Bangalore - 560 050
3. The Superintendent of Post Offices  
Bangalore Sub-Division  
Bangalore
4. The Director of Postal Services  
Karnataka Circle  
Bangalore
5. The P & T Board  
Ministry of Communications  
New Delhi - 110 001
6. Shri M.S. Padmaraajaiah  
Central Govt. Stng Counsel  
High Court Buildings  
Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAN~~

~~ORDER~~ passed by this Tribunal in the above said application  
on 13-11-87.

Encl: as above.

**RECEIVED**

Diary No. 1451 (CR) 87

Recd Date: 19.11.87 AD

By Deputy Registrar

(JUDICIAL)

Recd for 384  
18-11-87

Jc.

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 13TH DAY OF NOVEMBER, 1987

Present: Hon'ble Shri P. Srinivasan, Member (A)  
and  
Hon'ble Shri Ch. Ramakrishna Rao, Member (J)

APPLICATION NO. 97/1987

Shri Y.M. Krishna,  
S/o Shri M. Yellappa,  
Group-D Official,  
Chamarajapet Post Office,  
Bangalore.

..... Applicant

(Shri M.Raghavendrachar, Advocate)

v.

1. The Superintendent of Post Offices,  
Bangalore Sub-Division,  
Bangalore.

2. The Director of Postal Services,  
Karnataka Circle,  
Bangalore.

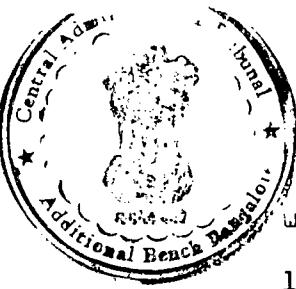
3. P & T Board, Ministry of  
Communications,  
New Delhi.

.... Respondents.

(Shri M.S. Padmarajaiah, SCGSC)

This application having come up for hearing to-day,  
Shri P. Srinivasan, Hon'ble Member (A) made the following:

O R D E R

  
The applicant who was working as a Postman in Bangalore was proceeded against in a departmental inquiry, the charge levelled against him being that he had not effected payment of a money order to the payee, though he showed the amount as having been paid. Subsequently, he paid back the amount. In the disciplinary proceedings, the Disciplinary Authority

*P. S. Srinivasan*

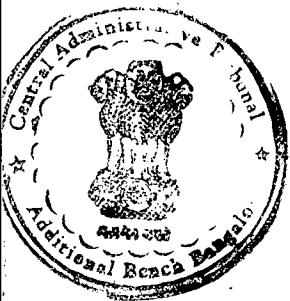
by order dated 1/4.11.1985 imposed the penalty of reduction "to the lower post of Group-D with immediate effect until he is found fit after a period of 3 years from the date of this order to be restored to the higher post of 'Postman'".

In an appeal filed by the applicant, the Appellate Authority by order dated 2.1.1986 reduced the penalty to reduction to the lower post for a period of 2 years instead of 3 years. The applicant thereupon moved the Member (Personnal) Postal Services Board ('Board') for review of the orders of the lower authorities. The Board rejected the application and confirmed the order of the Appellate Authority. In this application the applicant contends that the punishment was disproportionately excessive to the charge of which he was found guilty.

2. Sri M. Raghavendrachar, learned Counsel for the applicant submits that the amount of the money order of which the applicant did not effect payment was only Rs.100-00. He had subsequently made good the amount. Taking into account the circumstances in which the applicant did not effect payment of the amount to the payee on the specified date, the authorities should not have imposed such a severe punishment. He also urges that the applicant having been recruited as a Group-C official he could not by way of punishment be reduced to Group-D. For this proposition he relies on a decision of the High Court of Karnataka.

3. Sri Padmarajaiah, learned Senior Central Government Standing Counsel submits that non-payment of a money order to the payee is a serious offence and in fact the respondents

*P. S. Iyer*



had been sympathetic in not imposing more severe punishment on the applicant. There was nothing preventing the respondents from reducing the rank of the applicant to a post below the one to which he was recruited by way of punishment. He relies on Rule 103 of the Posts and Telegraphs Manual Vol.III.

4. We have considered the matter carefully. We have no doubt that the charge levelled against the applicant was indeed a serious one. Non-disbursement <sup>of</sup> ~~the~~ amount of a money order to the payee amounted to a temporary misappropriation of money. It is on record and a concluded fact that the applicant subsequently repaid the amount thus admitting its non-disbursement in the first instance. It is also noted that the applicant himself put the signature of the payee on the money order. In view of all this the nature of the offence is indeed serious. The applicant, therefore, deserved more than nominal punishment. The authorities have indeed been sympathetic in reducing his rank to the grade immediately below the one in which he was working. We have perused Rule 103 of the Posts and Telegraphs Manual Vol.III and are satisfied that as a measure of punishment a Government servant can be reduced to a post below the one to which he was recruited. We understand the period of punishment imposed has, by now, expired and the applicant is eligible to be considered for promotion to Group-C.

- True Copy -

5. In the result, we dismiss this application. Parties to bear their own costs.

*B. Venkatesh*

DEPUTY REGISTRAR

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH

BANGALORE

Sd/-

Member (A)

*Sd/-*

Member (J)