

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

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

Dated: 17-11-87

APPLICATION NO 97 /87(F)

W.P.No. _____

APPLICANT

Vs

RESPONDENTS

Shri Y.M. Krishna

To

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

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. Padmarajaiah
Central Govt. Sng Counsel
High Court Buildings
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 13-11-87.

Encl: as above.

RECEIVED

Diary No. 1451/CR/87

Date: 19.11.87

DEPUTY REGISTRAR

(JUDICIAL)

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,
Chamarajaset 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:

ORDER

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. 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 (Personnel) 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. R.

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 ^{of} ~~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.

By *Vinod Choudhary*
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

sd/-
Member (A)

sd/-
Member (J)