

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

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

Dated: 17/12/87

APPLICATION NO 1031 /87 (F)

W.P.No. _____

APPLICANT

Shri Ranjan Kumar

To

Vs

RESPONDENTS

The Manager, Mail Motor Service(P&T)
Bangalore & another

1. Shri Ranjan Kumar
Driver
Mail Motor Service
Office of the Manager
P&T Motor Service
Bangalore - 560 052

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~8787~~/

~~INTERIM ORDER~~ passed by this Tribunal in the above said application
on 4-12-87.

RECEIVED one copy 18/12/87

Diary No. 1552/42/87

Issue Date: 21.12.87

Encl: as above.

DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 4TH DAY OF DECEMBER, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman,
and
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO. 1031/1987

Shri Ranjan Kumar,
Driver,
Mail Motor Service,
Bangalore.

.... Applicant

v.

1. The Manager,
Mail Motor Service,
Bangalore.

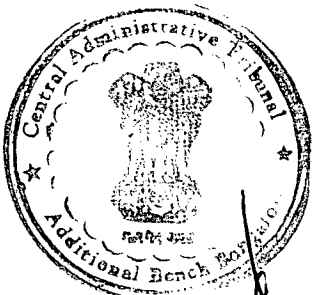
2. Additional Postmaster General,
Karnataka Circle,
Bangalore.

.... Respondents.

This application having come up for hearing to-day,
Vice-Chairman made the following:

ORDER

In this application made under Section 19 of the Administrative Tribunals Act, 1985 ('the Act') the applicant has challenged order No.STA/9-3/56/87 dated 5.10.1987 of the Additional Post Master General, Karnataka Circle, Bangalore and Appellate Authority (AA) (Annexure 6) and Order No.8-10/PF/RK dated 24.7.1987 (Annexure 3) of the Manager, Mail Motor Service, Bangalore and the Disciplinary Authority ('DA').



2. At the material time the applicant was working as a Jeep driver in the office of the DA. On 8.4.1987 he was engaged for driving a jeep bearing No. CAC 4353 in which the Director (Vigilance) ('Director'), Postal Department was travelling. While the applicant was driving that vehicle, the Director noticed that he was in a drunken state, on which ground he directed him not to drive the same and then reported the matter to the DA.

3. On an examination of the report of the Director, the DA initiated disciplinary proceedings for imposition of a minor penalty under Rule 16 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 ('Rules') against the applicant on 22.6.1987 and served the necessary articles of charge and statement of imputations as required by the Rule and the same reads thus:

"When the Director (Vigilance) returned along with Superintendent of Post-Offices, Mandya Division from Melkote at 2330 hours on 8.4.1987 Sri. Ranjan Kumar was found under the influence of liquor and was incoherent in talking after he has started driving the vehicle."

In answer to this, the applicant filed his written statement before the DA generally denying the same.



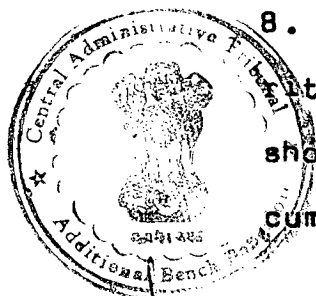
4. On an examination of the charge memo, written statement and records the DA made an order on 24-7-1987 (Annexure-3) and imposed on the applicant the minor penalty of stoppage of one increment for a period of one year without cumulative effect. Aggrieved by this order, the applicant filed an appeal before the AA, who by his order made on 5-10-1987 (Annexure-6) dismissed the same. Hence, this application.

5. Shri Rajan Kumar, the applicant in the case, contends that the finding of guilt recorded by the AA and DA and the punishment on him, were wholly unjustified and illegal and invalid.

6. On a detailed examination of all the materials the DA and AA have concurrently found that the applicant had consumed liquor and was in a drunken state of mind while discharging his official duties as a jeep driver, *which* is essentially a finding of fact and cannot be properly interfered by us.

7. The absence of a medical certificate, does not necessarily mean that the applicant had not consumed liquor while on duty. The Director, a high and responsible officer, who had no ill-will or grudge had made a report to that effect. We see no infirmity in the authorities relying on the same.

8. On a fairly detailed examination both the authorities have found that the punishment of one increment should be imposed against the applicant without cumulative effect. We see no grounds to hold



that punishment is in any way disproportionate to the gravity of the charge levelled and proved.

9. As all the contentions urged by the applicant fail, this application is liable to be rejected. We, therefore, reject this application at the stage of admission without notices to the respondents.



Sd/-
Vice-Chairman 4/12/1987

Sd/-
Member (A) 14.12.1987

- True copy -

bsv/Mrv.

[Signature]
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
17/12