

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 16 MAR 1988

APPLICATION NO 1044 / 87(F)

W.P. NO.

Applicant

Shri K. Nagesh Prabhu

Respondent

V/s

The Sub-Divisional Inspector(P), Udupi & 2 Ors

To

1. Shri K. Nagesh Prabhu
C/o Shri M. Raghavendra Achar, Advocate
1074-1075, Banashankari I Stage
Bangalore - 560 050
2. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Bangalore - 560 050
3. The Sub-Divisional Inspector(Poste)
Udupi Sub-Division
Udupi (Dakshina Kannada District)
4. The Superintendent of Post Offices
Udupi Division
Udupi (Dakshina Kannada District)
5. The Member (Personal)
Postal Service Board
New Delhi
6. Shri M. Vasudeva Rao
Central Govt. Sng 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 10-3-88.

Encl : As above

DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE TENTH DAY OF MARCH, 1988

Present : Hon'ble Sri P.Srinivasan

Member(A)

Hon'ble Sri Ch.Ramakrishna Rao

Member(J)

APPLICATION No. 1044/87

K.Nagesh Prabhu,
Mail Overseer, Padubidri,
Udipi Division, Udipi.

...

Applicant

(Sri M.R.Achar

...

Advocate)

Vs.

1. Sub-Divisional Inspector(P),
Udipi Sub-Division, Udipi.

2. Superintendent of Post Offices,
Udipi Division, Udipi.

3. Member(Personal),
Postal Service Board,
New Delhi.

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Respondents

(Sri M.Vasudeva Rao

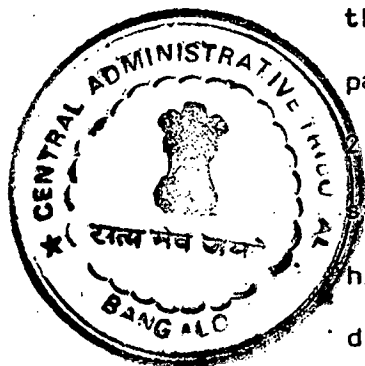
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Advocate)

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

ORDER

In this application, the applicant who was a Mail Overseer in the Postal Department, is aggrieved by an order dated 18.3.1986 passed by the disciplinary authority(DA), and another order dated 2.7.1986 of the appellate authority(AA), by which the punishment of stoppage of one increment without cumulative effect was imposed on him. We understand that immediately after the passing of the order dated 18.3.1986, the next increment of Rs.10/- fell due to the applicant in August, 1986,. It was this increment that was ordered to be stopped. Before he could become due for the next increment in August, 1987, the applicant took voluntary retirement from 23.6.1987. In effect, therefore, the result of the order of punishment was that for a period of about 10 months, the applicant was



P. Srinivasan

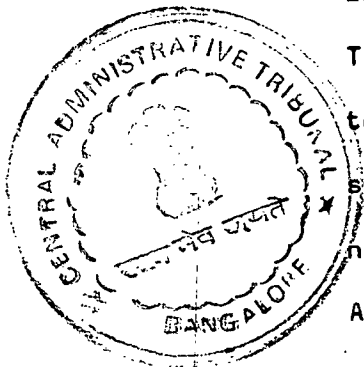
deprived of an increment of Rs.10/-p.m. and his pension was correspondingly reduced by Rs.5/-.

2. Sri M.Raghavendrachar, learned counsel for the applicant, submits that the orders of DA and AA are illegal, because for the same offence, namely, failure to carry out the orders of his superior, i.e., Sub-Divisional Officer, Udipi, to verify certain transactions of withdrawals from savings bank accounts, the applicant had already been issued a warning by the SPO, on 24.2.1986. Therefore, the imposition of penalty amounted to double jeopardy. He also complains that the notice initiating proceedings against the applicant was served on him through his postmaster in a 'casual' manner, and that too, 7 months after the alleged incidents, while it should have been served on him by registered post.

3. Sri M.Vasudeva Rao, learned counsel for the respondents, strongly opposed the contentions of Sri Achar, and relied on the orders of the authorities.

4. We have considered the rival contentions carefully. We notice that the letter dated 24.2.1986 issued by the SPO to the applicant, cannot even be called a warning, and was certainly not in the nature of a penalty. This letter seems to have been issued in reply to an explanation dated 21.1.1986 offered by the applicant. This explanation was read out to us, and we find no reference therein to the instances of failure to verify transactions, which was the subject matter of the disciplinary proceedings. Therefore, we are not satisfied that the passing of the impugned orders by the DA and AA amounted to double jeopardy. This ground has, therefore, to be rejected.

5. We do not find any legal infirmity in the manner in which the chargesheet was served on the applicant, and we fail to understand how it can be called 'casual'. This objection has also to be rejected.



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6. We, therefore, see no reason to interfere with the orders of the DA and AA.

7. In the result, the application is dismissed. Parties to bear their own costs.

Sd--

MEMBER (A) 10/3/88

Sd--

MEMBER (J) 10/3/88

an.

TRUE COPY



[Signature]
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL 16/3
BANGALORE