

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

* * * * *

Commercial Complex(BDA)

Indiranagar

Bangalore - 560 038

Dated : **23 MAR 1988**

APPLICATION NO

52

/ 88(F)

W.P. NO.

Applicant

Shri N. Satish Chandra

To

Respondent

v/s The Supdt of Post Offices, Chitradurga
& another

1. Shri N. Satish Chandra
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 Superintendent of Post Offices
Chitradurga Division
Chitradurga
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

21-3-88
Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~EXAM~~/~~INTERIM ORDER~~
passed by this Tribunal in the above said application on 14-3-88.

R. Venkateshwar
DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

SK

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THIS THE FOURTEENTH DAY OF MARCH, 1988.

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

APPLICATION NO. 52/1988

Shri N. Satish Chandra
Major
Postal Assistant
Harihar
Chitradurga District. .. Applicant
(Shri M.R. Achar ... Advocate)

Vs.

1. The Superintendent of Post Offices
Chitradurga Division
Chitradurga.
2. The Director of Postal Services
North Karnataka Region
Dharwar. .. Respondents
(Shri M.S. Padmarajaiah ... Advocate)

This application having come up for hearing
today, Vice Chairman made the following:

O R D E R

In this application made under section 19 of
the Administrative Tribunal Act, 1985, (the Act)
the applicant had challenged Order No. NKR/STA/9-NSC
dated 16.12.1987 (Annexure-B) of the Director of Postal
Services, North Karnataka Region, Karnataka ('Director')
and order No. Misc/13/87-88 dated 12-11-1987 (Annexure-A)
of the Superintendent of Post Offices, Chitradurga
Division, Chitradurga (SPO).

2. At the material time, the applicant was working
as a Postal Assistant of Hiriyur Post Office. When he

was functioning in that capacity, the SPO noticed various omissions and commissions in the discharge of his duties and therefore initiated regular disciplinary proceedings against him under Rule 14 of the C.C.S. (C.C.&A) Rules, 1965 ('Rules'), and served on him a charge memo on 30.9.1987/5.10.1987 levelling two charges and they read thus:

ANNEXURE - I

Statement of articles of charge framed against Shri N. Satish Chandra, Postal Assistant, Hiriyur.

Article - I

That the said Shri N. Satish Chandra while functioning as P.A Hiriyur during March 1987 collected an amount of Rs 37.50 (Rupees Thirty seven/50 only) from Shri P. Channappa on 5-3-87 being the charges for a telephone call for Bangalore booked by him from Hiriyur PCO, issued him the receipt no.38 in the form of Eng.8 for Rs 37.50 (Rs. Thirtyseven/50 only) but credited only Rs 19.50 (Rs Nineteen/50) to post office accounts resulting in short credit of Rs 18/- (Rs. Eighteen only) violating the provisions of Rule 202 of FHB vol. I and rule 216 of Vol.V and thus failed to maintain absolute integrity as required by Rule 3(1)(i) of CCS (conduct) rules, 1964.

Article - II

That during the aforesaid period and while functioning in the aforesaid office the said Shri N. Satish Chandra issued the receipt No.38 in the form Eng.8 for Rs 37.50 (Rs. Thirtyseven/50) to Shri P. Channappa on 5-3-87 noting therein duration of the call as '5' minutes without simultaneously preparing the office copy of the said receipt No.38, but later on falsified the PO records by preparing the office copy of the said receipt no.38, noting therein the amount as Rs 19.50 (Rs. Nineteen/50 NP only) and the duration of the phone call as '3' minutes thereby violating the provision of rule 205 of FHB vol.I and thus failed to maintain absolute integrity as required by Rule 3(1)(i) of CCS (Conduct), Rules, 1964.

In answer to this charge memo, the applicant on 23.10.1987 filed his statement admitting the charges levelled against him, and only pleading for mercy. On an examination of the charge memo, defence filed by the applicant and all other relevant records, the SPO in his order made on 12.11.1987 inflicted the penalty of removal from service against the applicant. Aggrieved by this order, the applicant filed an appeal, to the Director, who by his order dated 16.12.1987 had dismissed the same. Hence this application.

3. In justification of the impugned orders, the respondents have filed their reply and have produced their records.

4. Shri M. Raghavendra Achar, learned counsel for the applicant, contends that on the facts and circumstances the punishment of removal imposed by the disciplinary authority and upheld by the appellate authority was too severe and disproportionate to the gravity of the offence and that it is a fit case in which the authorities should have imposed any one of the minor penalties and directed his reinstatement to service.

5. Shri M.S. Padmarajaiah, learned counsel for the respondents, contends that the facts and circumstances and the previous punishment imposed on the applicant on 30.9.1985 for a similar misdemeanour undoubtedly justified removal of the applicant from service and the same does not justify our interference on any ground.



6. We have earlier set out the two charges levelled against the applicant. The charges levelled against the applicant are serious. The applicant has admitted both the charges levelled against him. When once the applicant admits the charges levelled against him, the only question that survives for consideration of the disciplinary authority is one of imposing the proper punishment. On an examination of all the facts and circumstances of the case, the SPO had found it proper to impose the punishment of removal from service, with which the appellate authority had concurred. We should not normally interfere with the quantum of punishment imposed by the authorities. On this score itself, we should decline to interfere with the punishment imposed against the applicant.

7. Even otherwise, we notice that there was a previous minor punishment on the applicant for a similar charge and that had no salutary effect on him. On the other hand, the applicant had indulged in committing the same misdemeanour, that too within a short span of time. If the authorities with due regard to all of them had removed the applicant, then we will not be justified in interfering with the punishment imposed on the applicant.

8. As all the contentions urged for the applicant fail, this application is liable to be dismissed. We, therefore, dismiss this application.

-: 5 :-

But in the circumstances of the case, we direct
the parties to bear their own costs.

Sd/-

VICE CHAIRMAN

14/3/88

Sd/-

MEMBER (A)

14-3-88

TRUE COPY



R. P. Venkateshwaran
DEPUTY REGISTRAR (JULY)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

Rao
16/2/89
MSB
S. B.
D. No. 4530/88 /Sec. IVA

SUPREME COURT OF INDIA
NEW DELHI

Dated 22.2.1989
8.3.89

From:

The Additional Registrar,
Supreme Court of India.

To,

The Registrar,
Central Administrative Tribunal,
Bangalore

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 12641 of 1988
(Petitions under Article 136 of the Constitution of India for
Special Leave to Appeal to the Supreme Court from the
Judgment and Order dated the 14.3.1988
of the
High Court of
Karnataka/ Central Administrative Tribunal, Bangalore
in Application No. 52/88)
N. Satish Chandra

.. Petitioner (S)

Supdt. of Post Office, Versus Chitradurga Divn & Anr

Sir,

.. Respondent (S)

I am to inform you that the Petition above-mentioned for
Special Leave to Appeal to this Court was ~~was~~ filed on behalf
of the Petitioner above-named from the Judgment and Order of the
High Court

~~Karnataka~~ Central Administrative Tribunal at Bangalore
noted above and that the same was ~~was~~ dismissed ~~expressly~~
this Court on the 12th day of December, 1988

1988

Yours faithfully,

Y. S. Chandra
for Addl. Registrar.