

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated :

3 APR 1989

APPLICATION NO. (S) 1011 / BB(F)

W.P. NO (S) _____

Applicant (s)

Shri R. Vasudeva Rao

To

1. Shri R. Vasudeva Rao
S/o Shri Ramasubbaiah
Signaller
Pavagada Post Office
Tumkur District

2. Shri M. Raghavendra Acharya
Advocate
1074-1075, 4th Cross
Banashankari I Stage
Sreenivasa Nagar II Phase
Bangalore - 560 050

3. The Superintendent of
Post Offices
Tumkur Division
Tumkur - 572 102

Respondent (s)

V/s The Supdt. of Post Offices, Tumkur & another

4. The Member (Personnel)

Department of Posts
New Delhi - 110 001

5. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER / ~~SD/~~ / ~~INTERIM ORDER~~ passed by this Tribunal in the above said application(s) on 30-3-89.

Encl : As above

for record
DEPUTY REGISTRAR
(JUDICIAL)

O/C

Issued P. K. J. 3-4-89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THIS THE THIRTEETH DAY OF MARCH 1989

Present : Hon'ble Justice Shri K.S. Puttaswamy ... Vice-Chairman
Hon'ble Shri P. Srinivasan ... Member (A)

APPLICATION NO.1011/88(F)

R. Vasudeva Rao,
Signaller,
Pavagada Post Office,
Tumkur District.

... Applicant

(Shri M.R. Achar .. Advocate)

v.

1. The Superintendent
of Post Offices,
Tumkur Division,
Tumkur.
2. Member (Personnel),
Department of Posts,
New Delhi.

... Respondents

(Shri M. Vasudeva Rao .. Advocate)

This application came up for hearing before this Tribunal today. Hon'ble Shri P. Srinivasan, Member (A), made the following:

ORDER

In this application the applicant who is currently working as a Signaller in the Postal Department in Karnataka complains that he was wrongly punished by the Disciplinary Authority (DA) by order dated 25.11.1986 and that his appeal and revision have also been wrongly rejected by the authorities concerned.

Charges levelled against the applicant into which a Departmental inquiry was held stated that he had made entries in the Over Time Allowance (OTA) Register which had not been approved by the Sub-Post Master (SPM) and had also submitted bills in respect of the items which he should not have. The OTA Bills



D. J. G.

in respect of which these irregularities were said to have been committed related to the months of October to December 1984 and January 1985 when the applicant was working in the Pavagada Post Office.

3. Shri M.R.Achar, learned counsel for the applicant submits that the applicant had been framed because of Union rivalry and that the charges were not true. The responsibility for maintaining the DTA register was that of the SPM and not of the applicant. Moreover, the register was in the custody of the SPM who had only handed over the same to the applicant to help him to fill it. No action had been taken against the SPM even though the primary responsibility was his. It was impossible for the applicant to make any entry in the DTA register without the knowledge of the SPM.

4. Shri M.Vasudeva Rao, submits that the entries in the register in respect of which the applicant was charged were admittedly made by him and in respect of these items the reason why DTA was to be allowed had not been stated and the SPM had not approved DTA in such cases. The applicant cannot escape responsibility for having made the entries in his hand whatever may be the responsibility of the higher authorities. The authorities had taken into account all the facts in coming to the conclusion that the applicant was guilty and in imposing a minor penalty of stoppage of increment for two years.

5. We have considered the matter carefully. We have perused the records of the inquiry and we find that there is evidence to show that entries had been made in the DTA

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register which had not been counter signed by the SPM and in respect of which reasons for claiming OTA had not been recorded.

6. The applicant cannot be absolved of responsibility merely because the SPM should have looked into the Register which he did not. Probably because of this viz., the failure of the SPM to check the register and the comparatively minor role of the applicant, the penalty imposed is a minor one of stoppage of increment for two years. We, therefore, see no reason to interfere with the finding of guilt or with the quantum of penalty imposed on him.

7. The application is dismissed leaving the parties to bear their own costs.



bsv

sd —
VICE CHAIRMAN
30/3/89

sd —
MEMBER (A) 30/3/89
TRUE COPY

for Deputy Registrar (JDL) 3/3
DEPUTY REGISTRAR (JDL) 3/3
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE