

CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A.No. 659/93

Date of Decision 7.6.96

V.S.Shimpi.

Petitioner

Shri Y.R.Singh.

Advocate for the Petitioner.

Versus

Union of India & Anr.

Respondent

Shri S.S.Karkera


Advocate for the Respondents.

Coram:

The Hon'ble Mr. B.S.Hegde, Member(J),

The Hon'ble Mr. M.R.Kolhatkar, Member(A).

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to other Benches of the Tribunal?

  
(B.S.HEGDE)  
MEMBER (J).

The Hon'ble Mr.

The Hon'ble Mr.

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to other Benches of the Tribunal?

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

BOMBAY BENCH, MUMBAI BENCH.

ORIGINAL APPLICATION NO. 659 / 1993.

Pronounced this 7<sup>th</sup> day of June 1996.

Coram: Hon'ble Shri B.S.Hegde, Member(J),  
Hon'ble Shri M.R.Kolhatkar, Member(A).

V.S.Shimpi. ... Applicant.  
(By Advocate Shri Y.R.Singh).

V/s.

Union of India & Anr. ... Respondents.  
(By Advocate Shri S.S.Karkera).

O R D E R

¶Per Shri B.S.Hegde, Member(J)¶

Heard Shri Y.R.Singh, counsel for the applicant and Shri S.S.Karkera, for Shri P.M.Pradhan, counsel for the respondents.

2. In this O.A. the applicant is challenging the impugned orders dt. 10.3.1992 and 1.1.1993 respectively, i.e. the order of the Disciplinary Authority, as well as, Appellate Authority. The Disciplinary Authority after considering the entire evidence on record and the report of the Enquiry Officer and Articles of Charges levelled against the applicant had come to the conclusion that the applicant is no more to be retained in service and passed an order under Rule 12(2)(b) of C.C.S. (C.C.A.) Rules, 1965 with immediate effect which has been upheld by the Appellate Authority vide order dt. 1.1.1993. He being compulsorily retired from service on 10.3.1992, even otherwise he would have superannuated from service on 31.3.1993. It is true that the compulsory retirement is by way of punishment and the applicant was given due opportunity to reply to the charges levelled against him and the charges

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levelled against him have been established against the applicant and after considering the entire service records of the applicant, the competent authority came to the conclusion to retire him compulsorily.

3. The learned counsel for the applicant Shri Singh urged that the appointing authority in this case is Director of Postal Service, whereas, the punishment order is issued by the Senior Superintendent of the Post Offices whereby the punishment order is issued by an authority who is not competent to do so and the same is liable to be quashed.

4. During the course of hearing the learned counsel for the respondents Shri S.S.Karkera drew our attention that under the revised schedule of appointing/disciplinary/appellate authority in respect of Group 'B', 'C' and 'D' employees of the Department of Posts dt. 27.8.1990 "Senior Superintendent of Post Offices" is being treated as the Disciplinary Authority so far as the posts in Group 'C' who is heading the division and competent to issue the Disciplinary orders which has not been disputed by the applicant.

5. In the circumstances, the contention that the punishment order was issued not by the competent authority is <sup>not</sup> based on record and the same is rejected. In the instant case, after the inquiry, the competent authority had come to the conclusion that the services of the applicant is no longer required. Accordingly, the applicant has been compulsorily retired as a matter of punishment.

6. We do not find any lacuna in the order passed by the respondents and the contention raised by the applicant that the order of compulsory retirement

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has not been issued by the appointing authority is not found to be correct. Accordingly, we see no merit in the O.A. and the same is dismissed. No orders as to costs.

*M.R. Kolhatkar*

(M.R. KOLHATKAR)  
MEMBER (A)

*B.S. Hegde*

(B.S. HEGDE)  
MEMBER (J)

B.

*dt. 7/6/96*  
Order/Judgment despatched  
to Applicant/Respondent (s)  
on 18/6/96

*19/6/96*