

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. : 141/97

Date of Decision : 29.5.2001

Smt. Usha H Bhapkar Applicant

Shri S.P. Kulkarni Advocate for the  
Applicant.

VERSUS

Union of India & Ors. Respondents

Shri S.S. Karkera for Advocate for the  
Shri P.M. Pradhan Respondents

CORAM :

The Hon'ble Shri S.L. Jain, Member (J)

The Hon'ble Shri Govindan S. Tampi, Member (A)

- (i) To be referred to the reporter or not ? No
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ? No
- (iii) Library No.

*S.L. Jain*  
(S.L. JAIN)  
MEMBER (J)

mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.141/97

Tuesday this the 29th day of May,2001.

CORAM : Hon'ble Shri S.L.Jain, Member (J)

Hon'ble Shri Govindan S.Tampi, Member (A)

Smt.Usha Haribhau Bhapkar,  
Working as Group-'D',  
Bhawaninagar Sub-Post Office,  
Dist. Pune.

...Applicant

By Advocate Shri S.P.Kulkarni

vs.

Union of India through

1. The Director of Postal  
Services, Office of  
Postmaster General,  
Pune Region, Pune.
2. Superintendent of Post  
Offices, Pune Mofussil  
Division, At P.O. Pune,  
Dist. Pune.
3. The Estate Officer,  
Office of the Postmaster  
General, Pune Region,  
Pune.

...Respondents

By Advocate Shri S.S.Karkera  
for Shri P.M.Pradhan

..2/-

*P.L. Jain*

O R D E R (ORAL)

{Per : Shri S.L.Jain, Member (J)}

This is an application under Section 19 of the Administrative Tribunal's Act, 1985 seeking the following reliefs:

"8. (a) This Hon'ble Tribunal be pleased to call for the records of the case for better appreciation of the matter and facts and circumstances of the case and pass order(s) as deemed fit and proper in the interest of justice.

(b) This Hon'ble Tribunal be pleased to hold and declare that Appellate Authority has failed to apply its mind vis-a-vis mandatory provisions of Rule-27 of C.C.S. C.C.&A Rules, 1965 as also evidence on record including supplementary Appeal dated 8/9.12.1996 and this Disciplinary Proceeding are vitiated being arbitrary, autocratic and violative of Article-14 of Constitution of India (Principle of Natural Justice).

(c) Hold and declare Appellate Order (A-1) dated 19.12.1996 issued by Respondent No. 1 as arbitrary, autocratic. The same be quashed and set aside.

(d) The Charge-Memo as well as Inquiry Officer's Report (A-7 & A-8) respectively, being devoid of any supporting evidence as also due to vitiation of Disciplinary Proceedings be quashed and set aside.

(e) The Punishment Order (Exh.A-2) dated 16.5.1996 being similarly based on no evidence and due to arbitrary and autocratic interference with I.O.'s deliberations etc. be quashed and set aside, with consequential payment of pay and allowances, subsistence allowance.

(f) The respondents be directed not to evict the applicant from Quarter No.A-1/3 Postal Quarters, Baramati till final outcome of this OA. in view of Full Bench judgement in D.N.Singh's case, (para-33) (Exh.A-12).

*S.L.J.* - ..3/-

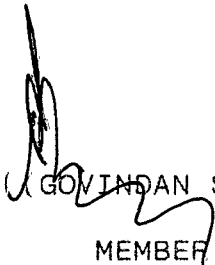
(g) Any other and such further relief as may be deemed fit and proper by this Hon'ble Tribunal.

(h) Cost of O.A. of Rs.5,000/- be saddled on the then Superintendent of POs, Pune (viz.P.S.Deshmukh) and paid to the applicant."

2. The brief facts of the case are that the disciplinary authority decided the disciplinary proceedings on 16.5.1996. After the said decision, an appeal was preferred by the applicant on 17.6.1996. Thereafter, on 6.11.1996 the Criminal Court decided the case pending against the applicant by which the applicant was acquitted. The applicant preferred a supplementary appeal on 8.12.1996, the respondents decided the appeal on 14.12.1996 but without taking into consideration his supplementary appeal.

3. It is necessary to consider the supplementary appeal and in view of the said lacuna, the applicant's case, i.e. the appeal cannot be said to have been properly decided in accordance with law.

4. In the circumstances, we remit the case and order the respondents to consider the supplementary appeal dated 8.12.1996 taking into consideration the acquittal of the applicant by the Criminal Court and decide the appeal afresh in accordance with law within a period of three months from today. No order as to costs.

  
(GOVINDAN S. TAMPI)

MEMBER (A)

mrj.

  
(S.L.JAIN)

MEMBER (J)