

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

OA 514/97

MUMBAI, THIS THE 1ST DAY OF JUNE, 2001

HON'BLE SHRI S.L.JAIN, MEMBER (J)
HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

Shri Chandrashekhar Moreshwar Valsangkar
S/o Shri Moreshwar Shriniwas Valsangkar
Age : 43 years
Working as a Mail Guard
Pune RMS, Pune - 411 001
C/o Inspection Quarters
RMS Pune, HRO 411001
RMS Bdn, PUNE - 411001

...Applicant

(By Advocate Shri S.P.Kulkarni)

V E R S U S

1. Union of India
through : Senior Superintendent of Railway
Mail Service 'B' Divisions,
Near C.T.O.
At P.O. & District.
2. Platform Inspector
Office of the Pune R.M.S.
Pune R.M.S.
PUNE - 411001.
3. Postmaster General, Pune
Region Pune - 411001
through :
Director of Postal Services,
Pune Region, PUNE - 411001.

...Respondents

(By Advocate Shri P.M.Pradhan)

O R D E R (ORAL)

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

This application has been filed under Section 19 of the Administrative Tribunals Act, 1985 to quash and set aside the punishment order dated 23-9-1996 and appellate order dated 21-8-1997.

2. Brief relevant facts of the case are that while the applicant was working as Mail Guard on 30-10-1988, a

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charge Memo dated 25-5-1996 has been issued to him under 16 of the CCS (CCA) Rules, 1965. The applicant has submitted a representation. After considering the representation, the authority passed the punishment order against which the applicant filed an appeal, which was also rejected. Hence this OA.

3. The ^{application} is filed by the applicant requesting for inspection of documents vide Annexure A-8 dated 10-6-1996. Out of the three documents only inspection of two documents was provided while the inspection of telegram at Sl.No. 2 was not provided. The other ground which is alleged is that in the charge ^{- sheet - in} by the Department, it is not mentioned that what exactly was the loss.

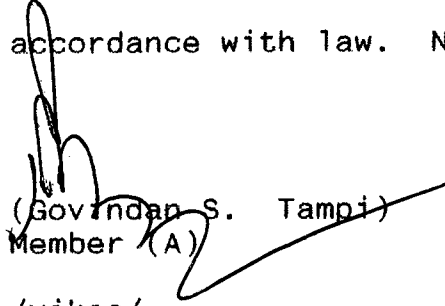
The inspection of the telegram sought by the applicant was a relevant and material document. In addition to it, when the applicant has been penalised by recovery of Rs. 10,000/-, which is a penalty under Rule 11 (iii) of CCS (CCA) Rules, the extent of loss caused by him to the Govt. by his negligence should have been included in the Chargesheet. In the absence of the said details, the applicant is deprived his right to contest the said facts effectively.

4. On examination of the matter, we find that the applicant's request for supply of material documents including their inspection has not been considered. The

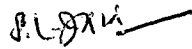
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charge memo does not mention the extent of loss caused to the Govt. Besides applicant's request for oral enquiry in Annexure A-6 (page 38 & 39 of the OA) has also not been provided to him. No order has been passed in this respect by the disciplinary authority. These defects are not rectified by the appellate order as well.

4. In the circumstances, the appellate order dated 21-8-1997 and the punishment order dated 23-9-1996 deserve to be quashed and set aside and are accordingly so ordered. The respondents are free to amend the charge memo and to proceed to enquire into the matter in accordance with law. No order as to costs.


(Govindan S. Tampi)
Member (A)

/vikas/


(S.L. Jain)
Member (J)