

CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH,  
CAMP AT AURANGABAD.

ORIGINAL APPLICATION NO.604/1997.

Thursday, this the 9th day of August, 2001.

Hon'ble Shri Justice Birendra Dikshit, Vice-Chairman,  
Hon'ble Shri M.P.Singh, Member (A).

S.R.Tungenwar, /  
Daman Building, /  
Gokulnagar,  
District - Nanded - 431 602.  
(By Advocate Shri S.P.Kulkarni)

...Applicant.

v.

1. Union of India through  
Superintendent of Post Offices,  
Nanded Postal Division, Nanded,  
District - Nanded - 431 602.
2. Director of Postal Services,  
Aurangabad Region,  
Aurangabad.  
(By Advocate Shri V.S.Masurkar)

...Respondents.

: ORDER (ORAL) :

Shri M.P.Singh, Member (A)

The applicant has filed this OA challenging the Charge Memo  
dt. 18.3.1996 (Annexure - A - 3), Punishment Order dt. 24.7.1996  
(Annexure - A - 2) and Appellate Order dt. 31.3.1997 (Annexure - A - 1).

2. The brief facts of the case are that, the applicant while working as

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Sub-Postmaster at Dharmabad Sub-Post Office was issued with a charge memo under Rule 16 of the CCS (CCA) Rules, 1965 for dereliction of performing his duties. The charges levelled against him were as follows:

- a) He has failed to report the shortage of cash on 7.7.1994 of his office Postal Assistant TRC Counter and in connivance he has adjusted the amount of shortage in SO account and daily account out and out in collusion with Shri M.N.Andewar PA, Dharmabad.
- b) He retained the Account Bags of Dharmabad S.O. without sending a report to the higher authority.
- c) He did not examine the T.R.C. receipts during the period 27th April, 1994 to 22.07.1994.

The charge memo was given to the applicant on 21 March, 1996. The applicant requested for extension of time to submit his representation to the charge memo issued to him. He subsequently sought further extension of time and thereafter, he submitted his representation dt. 25/30th May, 1996. The Disciplinary Authority considered the representation of the applicant and thereafter passed the order imposing the penalty of withholding one



increment for a period of 24 months without cumulative effect on 24.7.1996. The applicant preferred an appeal against the order of the Disciplinary Authority. The Appellate Authority vide its order dt. 31.3.1997 modified the punishment order from withholding one increment for a period of 24 months without cumulative effect to that of withholding it for a period of 12 months. Aggrieved by this punishment, the applicant has filed this OA and has sought relief by seeking directions to quash and set aside the punishment order and the Appellate Order and has also sought direction to Respondents to supply documents as requested by him and also hold a denovo enquiry.

3. The Respondents in their reply have denied the contention of the applicant. They have stated that the applicant was given full opportunity to defend his case and was supplied the inspection of the documents which were relevant with his case. According to the Respondents, the applicant while submitting his representation to the charge memo has admitted his guilt.

4. Heard both learned counsels for the rival contesting parties and perused the record.

5. During the course of arguments, Learned Counsel for the applicant has stated that the applicant has been denied inspection of certain



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documents which were very material for preparing his defence. He has also submitted that the applicant has been issued with charge memo for the period for which he was not on duty. Since the applicant has been denied inspection of certain documents, he could not prepare his defence properly and therefore, the disciplinary proceedings against him has been vitiated. On the other hand, the Learned Counsel for the Respondents has stated that applicant was given full opportunity to defend his case. He was supplied all the relied upon documents, and was also allowed the inspection of 11 documents out of 14 for which request was made by the applicant. Learned Counsel for the Respondents submitted that a specific order was passed by the Disciplinary Authority denying the inspection of certain documents which were not considered relevant. If the applicant was aggrieved by the non-supply of documents, he should have approached the higher authority or he should have approached the Tribunal for supply of these documents. Since the applicant did not approach higher authority<sup>or</sup> the Tribunal at that time, he cannot be allowed to take this plea at this stage.

6. After hearing both the Learned Counsels and going through the record, we find that the applicant has been proceeded departmentally under Rule 16 of the CCS (CCA) Rules, 1965 for imposing a minor penalty. The

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applicant has been issued with the charge memo for dereliction of his duties, which has been admitted by the applicant while submitting his representation to the Disciplinary Authority. Moreover, we also find that the punishment awarded by the Disciplinary Authority has been modified by the Appellate Authority. In view of the aforesaid facts and circumstances of the case, we do not see any ground to interfere with the orders of the Disciplinary Authority and the Appellate Authority.

7. For the reasons stated above, the OA is devoid of merit and accordingly dismissed. No costs.

  
(M.P.SINGH)  
MEMBER(A)

  
(BIRENDRA DIKSHIT)  
VICE-CHAIRMAN

B.