

(51)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.97/93

Date of Order : 19.2.97

BETWEEN :

Y.Nagaraju

.. Applicant.

AND

1. The Supdt. of Post Offices,
Anantapur Division and Dist.
2. Post Master General, AP Southern
Region, Kurnool.
3. Chief Post Master General, A.P.Circle,
Daksadan, Abids, Hyderabad.
4. The Director General of Posts,
New Delhi.

.. Respondents.

Counsel for the Applicant

.. Mr. Krishna Devan

Counsel for the Respondents

.. Mr. N.V.Ramana

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

JUDGEMENT

X Oral order as per Hon'ble Shri B.S.Jai Parameshwar, Member (J) X

None for the applicant. The applicant is also absent.

Heard Mr.V.Rajeswara Rao for Mr.N.V.Ramana, learned counsel
for the respondents.

2. The applicant while working as Superintendent of Post
Offices, Tadipatri Sub-office an incident of theft took place
wherein the department incurred loss to an extent of Rs.106258-65 Ps.
With respect to the said incident a major penalty of charge
sheet was served on the applicant on 28.2.91. With respect
to the said charge sheet an inquiry was conducted and by the
order No. F7-1/90-91 Disc, dt. 30.12.92 punishment of reduction

J.S.

of the pay of the applicant to a lower stage of Rs.1760/- w.e.f. 1.12.92 in the scale of pay of Rs.1400-2300 for a period of 18 months was imposed with a further direction that he would not earn any increment during the said period of 18 months.

3. The applicant without preferring an appeal submitted the representation dt. 29.12.92 to the effect that the SPO is not competent to issue him ^{the} major penalty charge sheet.

4. Thereafter the applicant has filed this OA challenging the proceedings dt. 30.11.92 and to direct the respondents to draw the pay and allowances with increment till he retired from service.

5. It is to be noted that while the punishment was in currency ^{1.31. S. 1994} the applicant retired from service effective from 30.10.94.

6. The respondents have filed a counter stating that the applicant has not preferred an appeal against the punishment order dt. 13.11.92 that the contention of the applicant is that S.P.O. AP division is not the competent authority to impose major penalty is not correct that the applicant was in lower selection cadre that according to the revised schedule ^{of} appointing/Disciplinary authorities issued by the Ministry of Communications published in the Gazette of India on 15.9.90 the Head of the Division, namely, the SPO is designated as the appointing authority and he is empowered to impose all the penalties prescribed ^{under} in Rule 11 of the CCS(Conduct) Rules that the claim of the applicant that the SPO cannot act as a disciplinary authority to impose the major penalty is not correct that according to rule 13(2) of CCS (CCA) Rules a disciplinary authority is competent to impose any of the penalties enumerated in (i) to (iv) of the Rule 11 of the CCS (CCA) Rules, that SPO is competent to impose all the penalties that prior to promulgation of the revised schedule effective from 15.9.90, the Director of Postal Services was the

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appointing authority to the staff in lower selection grade that under Rule 12(2)(a) of CCS (CCA) Rules provides that any of the ^{the} ~~rules~~ may be imposed ^{in rule 11 may be imposed by the appointing authority} penalties prescribed in the schedule that ^{Authority specified} in view of the revised schedule rules, The Superintendent of Post Offices is competent to impose the punishment of reduction of pay on the applicant and that therefore there are no grounds to entertain the OA.

7. The applicant has taken another contention in the rejoinder relying on OA.712/90 disposed of on 27.1.93 to the effect that the reduction of pay permanently ^{will have} with effect on pension entitlements ^{and such reduction} cannot be imposed beyond the period till 10 months ^{from} prior to the date of retirement. In the rejoinder the applicant has not contraverted the submission of the respondents in the reply that the SPO is competent to issue the penalty imposed on him now in view of the rule 13(2) of CCS (CCA) Rules. In view of the fact that he has not contraverted that reply, the applicant ^{now} cannot ^{has} say that an incompetent authority imposed a punishment on him. However we do not propose to give any judgement on this point. The applicant had not filed any appeal in this connection. This would mean that the applicant has not exhausted the normal grievance redressal channel and hence the OA cannot be sustained in view of the Section 24(1) of the CAT Act. However we take a lenient view as the applicant had retired from service. Hence we direct the applicant to file a detailed appeal addressed to the concerned authority taking all the contentions submitted in this OA as well as other contentions which he deemed fit to be included and submit the same within a period of 2 months from the date of receipt of a copy of this order. If such an appeal is received by the competent authority within the stipulated time the same should be disposed of by the ^{Appellate Authority} ~~respondents~~ in

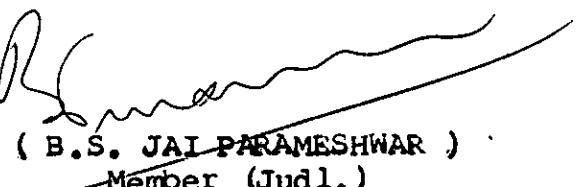
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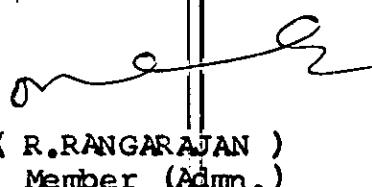
accordance with the rule within 3 months from the date of receipt of an appeal without rejecting his case on account of limitation for filing the appeal.

8. The OA is ordered accordingly. No costs.


(B.S. JAI PARAMESHWAR)

Member (Judl.)

Kindly


(R.RANGARAJAN)

Member (Admn.)

Dated: 19th February, 1997

(Dictated in Open Court)

*21/2/97
21-2-97
Dy. Registrar (S)*

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

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THE HON'BLE SHRI B.S.JAI PARAMESHWAR:
M(J)

DATED: 19/2/77

Order/Judgment
R.P/C.P/M.A.NO.

0.4. NO.

47193

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

~~DISMISSED FOR DEFAULT~~

ORDERED/REJECTED

NO ORDER AS TO COSTS

II COURT

YLKR

