

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.703/94

Date of Order: 31.3.97

BETWEEN:

V.Vasu Vudayar

.. Applicant.

AND

Union of India - Rep. by

1. Director General,
Dept. of Posts, New Delhi-1.
2. Postmaster General,
A.P.Southern Region,
Kurnool-518 005.
3. Superintendent, RMS,
'TP' Division, Tirupati.

.. Respondents.

Counsel for the Applicant .. Mr.D.Subrahmanyam

Counsel for the Respondents .. Mr.K.Bhaskara Rao

CORAM:

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

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

J U D G E M E N T

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

Heard Mr.D.Subrahmanyam, learned counsel for the applicant and Mr.K.Bhaskara Rao, learned standing counsel for the respondents.

2. Between August 1982 and September 1993 the applicant was working as Office Assistant and his official superior one Sri K.V.Janakiraman was working as Superintendent R.M.S., The TP Division./ RMS, TP Division, Tirupati, announced recruitment for the posts of Sorting Assistants for the second-half of the year 1982 in RMS, TP Division. In the said recruitment

SV

Against these orders the applicant has filed this OA.

8. The counter has been filed stating that the applicant committed certain irregularities in the process of recruitment of Sorting Assistants that the applicant during the enquiry stated that he carried out the oral instructions given by his official superior namely Sri K.V.Janakiraman that it was obligatory on the part of the superior official to get the orders within the reasonable time that in the present case the applicant had not got confirmed the alleged oral instructions by his official superior. The applicant himself withdrew the appeal. Thereafter it was decided to review the proposed punishment and a notice was issued and that thus the orders passed by the authorities are in order.

9. The learned counsel for the applicant submitted that his case is not one of misconduct. Though he submitted at the time of enquiry and later also his request to call for Sri Janakiraman as a witness ~~it~~ was turned down under the pretext that Sri Janakiraman was not quoted as a defence witness by the applicant. The applicant further submits that even the enquiry officer had not held him responsible for the lapses and it was termed as a minor technical irregularity. Similar charges were also issued against Sri K.V.Janakiraman. In that case it is stated that Sri Janakiraman was not punished and letout as it was considered to be only a minor procedural irregularity. As the case of the applicant was also similar to that of Sri Janakiraman the view taken in the case of Sri Janakiraman should be applied to his case. In that the alleged lapses should be treated as minor procedural irregularity and on that basis he should not be punished and should be treated as was done in the case of Sri K.V.Janakiraman. All the contentions except the punishment meted out ^{to} Sri Janakiraman have been raised in his appeal to the Director of Postal Services as well as to the Member (Personnel)

the reduction will not have the effect of postponing of his future increments of pay".

5. Against the said punishment order, the applicant preferred an appeal dt. 11.3.91. However by his letter dt. 22.4.91 he said withdrew the/appeal.

6. The Director of Postal Services in exercise of his powers under Rule 29 of CCS(CCA) Rules proposed to review the punishment inflicted/on the applicant. On 13.6.91 the Director of Postal Services served a notice on the applicant to enhance the punishment to that of compulsory retirement. We noticed that it is at Annexure-9. The applicant submitted a representation to the Director of Postal Services by his order dt. 2.1.92 imposed the punishment which reads as under:-

"Though the enhancement of the punishment to that of compulsory retirement proposed in this office memo. of even No. dated 13.6.91 would be commensurate, I Sri Mohd. Afzal Ali, taking his long service into account, take a lenient view and order that the said Sri V.Vasu Udayar be reduced to the lower grade of T/S Sorting Assistant in the scale of pay of Rs.975-25-1150-EB-30-1660 until he is found fit after a period of three years from the date of this order to be restored to the higher post of LSG Sorting Assistant".

7. Against the said order of punishment the applicant submitted a review petition to the Member(Personnel) Postal Services. The Member by his order dt. 21.6.93 reduced the punishment to 2 years. The order of punishment passed by the Member reads as under:-

"In view of the foregoing and having regard to all the facts and circumstances of the case, while I uphold the punishment of the official's reduction to the lower grade of Stg. Asstt. in the Time scale of pay of Rs.975-1660, but reduce the period of reduction from three years to two years, with the further direction that on restoration of the official to the grade of LSG Stg. Asstt. the period of reduction will not operate to postpone future increments of pay of the official".

R

.. 6 ..

(c) If such a representation is received by the Member (Personnel) P&T Board the same shall be disposed of within 4 months from the date of receipt of the appeal.

(d) The Member (Personnel) shall decide the appeal without going to point of limitation.

14. With the above directions, the OA is disposed of. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

Partha Sarathi

न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक विधिवारण
Central Administrative Tribunal
हैदराबाद न्यायर्पाठ
HYDERABAD BENCH

केस नंबर	703/94
CASE NUMBER	703/94
नियन्त्र का तारीख	31/3/97
Date of Judgement	31/3/97
प्रति तद्यार किया गया दिन	28/4/97
Copy Made Ready on	28/4/97

अनुमान अधिकारी (न्य चिक)
Section Officer (J)