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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.693/95

DATE OF ORDER : 06-03-1998.

Between :-

M.Srinivasa Rao

... Applicant

And

1. Sr.Superintendent of Post Offices,  
Nellore Division, Nellore.
2. Director of Postal Services,  
O/o P.M.G., Vijayawada Region.
3. Postmaster General,
4. Member (P),  
O/o Director General (Posts),  
Department of Posts,  
New Delhi - 110 001.

... Respondents

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Counsel for the Applicant : Shri S.Ramakrishna Rao

Counsel for the Respondents : Shri N.V.Raghava Reddy, CGSC

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CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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(Order per Hon'ble Shri R. Rangarajan, Member (A) ).

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Heard Sri S. Ramakrishna Rao, counsel for the applicant and Sri N.V. Raghava Reddy, standing counsel for the respondents.

2. The applicant while working as Head Post Master, Dargamitta Post Office was punished by order No. ST-17/3/92 dt. 19-6-92 (Annexure-IV page-20 to the OA), which reads as under :-

"I, S. Gauriar, Director of Postal Services, Vijayawada order that the pay of Sri M. Srinivasa Rao-I, HSG-II Postmaster, Dargamitta HO be reduced by 5 stages from his present pay of Rs. 2,150/- to Rs. 1900 in the time scale of pay of Rs. 1600-50-2300-EB-60-2660 with immediate effect till the date of his retirement."

His pay was reduced to the lower time scale to the extent of 5 stages with immediate effect till the date of his retirement in the scale of Rs. 1600-2660 when he was drawing Rs. 2,150/- in that scale. The above order was issued after conducting an enquiry in accordance with the rules and <sup>on admission of his</sup> ~~he also admitted the~~ guilt. He appealed against the same and that appeal was disposed of by order No. ST 13/34/92 dt. 31-3-93 (Annexure-VI page-26 to the OA). The penalty was reduced to that of reduction of his pay from Rs. 2,150/- to Rs. 2,000/- till the date of his retirement. Against this order he once again preferred revision petition to Member (P) of Postal Services and that petition was dismissed by order No. 1-172/93-VP dt. 8-9-94 (Annexure-I to the OA).

3. This OA is filed to set aside the impugned order No. ST-17/3/92 dt. 19-6-92 of the 2nd respondent and order No. 1-172/93-VP dt. 8-9-94 of 4th respondent declaring them as arbitrary

and contrary to the Rule 105 of P & T Manual Vol.III read with FR-29 (Govt. of India Orders below (2)(a)(iii)), unwarranted, capricious and against the provisions of Articles of 14 and 16 of the Constitution and direct the Respondents to restore the pay of the applicant to Rs.2,150/- as on 30-6-92 with all consequential benefits.

4. When the O.A. was taken up for admission hearing today, learned counsel for the applicant submitted that the reduction is up to the date of his retirement and that would mean that his pay has been reduced as a permanent basis, which is not permissible in view of the sanction order of Govt. of India under FR 29. The relevant portion of that order reads as below :-

"It should be noted that reduction to a lower stage in a time-scale is not permissible under the rules either for an unspecified period or on permanent basis."

5. In the order of Respondent No.3 dt.31-3-93 the pay has been reduced from 2,150/- to 2000/- till the date of his retirement. When it is noted as the reduction of pay till the date of his retirement, it will be a case of reduction of pay on permanent measure in which case the rule quoted above will squarely apply and on that basis the punishment has to be set aside.

6. The pay has been reduced from 2,150/- to Rs.2,000/- till the date of his retirement. If the reduction of pay <sup>in</sup> from Rs.2,150/- to Rs.2,000/- and there was no further instruction <sup>then it</sup> ~~which~~ would mean <sup>that</sup> it is for an unspecified period. If so the rule referred <sup>to</sup> above <sup>was imposed</sup> will hold good as the punishment <sup>period</sup> for an unspecified <sup>to</sup> But it is stated that the reduction of his pay is till the date of his retire-

ment. Hence the order does not come under the clause of "un-  
specified period". The only point <sup>to be</sup> further considered in this OA  
is whether it was reduced as a permanent measure ~~as was earlier~~

The applicant submits that the punishment is till the date of retire-  
ment. ~~As~~ he had retired from service he cannot get any further in-  
crement in his pay and hence it is treated as permanent measure.

When ~~be~~ asked him the rule or any other instruction to read the  
portion "till the date of retirement" to mean that the order is  
issued as a permanent basis, counsel for the applicant submitted

that he has no such rule but it is to be treated like that only,

but we are not accepting that view. The very fact that the punish-  
ment ~~has been~~ <sup>will operate</sup> given till the date of the retirement means for a

specified period. Instead of stating the number of years of reduc-  
tion or the number of months of reduction of his pay, as the appli-

cant <sup>was</sup> ~~is~~ at the verge of retirement at that time, the respondents

have stated that the reduction of pay <sup>will operate</sup> till the date of retirement.

<sup>Hence it</sup> clearly states that the reduction of <sup>his</sup> pay is for a specified period.

Merely stating till the date of retirement <sup>has to</sup> ~~cannot~~ be read as a per-

manent punishment. It is to be read <sup>has to</sup> as a punishment for a  
specified period.

7. In view of what is stated above, we find that the appli-  
cant has not made out any case for granting him the relief as  
prayed for above. Hence the OA is liable only to be dismissed  
and accordingly it is dismissed. No costs.

(B.S.JAI PARAMESHWAR)  
Member (J)

(R.RANGARAJAN)  
Member (A)

Dated: 6th March, 1998.

Dictated in open court.

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It is not a  
correct view.

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Copy to:

1. Senior Superintendent of Post Offices,, ~~XXXXXXXXXXXX~~  
Nellore Division, Nellore.
2. Director of Postal Services, O/O P.M.G.,  
Vijayawada Region.
3. Postmaster General, Vijayawada Region,  
Vijayawada.
4. Member(P), O/O Director General (Posts),  
Dept. of Posts, New Delhi.
5. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr.N.V.Raghava Reddy, CGSC, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.

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6/18  
19/3/98  
TYPED BY  
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

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

DATED: 6/3/98

ORDER/JUDGMENT

M.A./R.A/C.A.No.

in  
O.A.No. 693/95

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

