

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No. 837/95

Date of Order : 24.2.98

BETWEEN:

C.Ashok Kumar

.. Applicant.

AND

1. The Member (P),  
Postal Services Board,  
Dak Bhavan, Sansad Marg,  
New Delhi.
2. The Postmaster General,  
Vijayawada Region, Vijayawada.
3. The Director of Postal Services,  
Vijayawada Region, Vijayawada.
4. The Sr.Suptd. of Post Offices,  
Nellore Division, Nellore.
5. The Superintendent,  
Railway Mail Service,  
T-P Division, Tirupathi.

.. Respondents.

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Counsel for the Applicant

.. Mr.S.Ramakrishna Rao

Counsel for the Respondents

.. Mr.N.V.Raghava Reddy

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CORAM:

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

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

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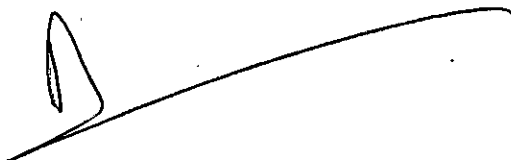
O R D E R

{ As per Hon'ble Shri R.Rangarajan, Member (Admn.) }

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

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2. The applicant is a Sorting Assistant in the RMS Wing of Postal Services in RMS 'TP' Division, Tirupathi and was posted to Gudur RMS on 22.4.81.

3. The applicant was issued with a charge sheet dated 31.10.83 for allegedly, wilfully having mis-sent RL No.9432 of AARDEA/541477 of Madras Foreign to Gudur Head Office instead of to Sriharikota S.O. the destination office thereby attracting the provisions of Rule 74 of P&T Manual Vol.V read with Rule 86 of P&T Manual Vol.VII. The charge sheet is also for 2 more charges for failure of his duties as RSA as prescribed in Rule 86 of P&T Manual Vol.VII and Rule 90(4) of P&T Manual Vol.V. The applicant was punished by the Disciplinary Authority, namely R-5 herein and the order of punishment reads as below:-

"Taking into account the cost of the contents of the foreign RL & the customs duty on the article & the responsibility for the recovery of the amount, I K.V. Janakiraman, SRM TP-dn Tirupati hereby order that the said Sri C.Ashok Kumar, be reinstated and that his pay be reduced from Rs.276/- to Rs.260/- with immediate effect for a period of 5 years with cumulative effect. He will not earn any increment during the period of five years from the date of this memo. His service after the date of expiry of 5 (five) years will only be counted for increments subject to all rules & regulations".

4. The applicant submits that he has<sup>h</sup> underwent the punishment and after the expiry of the punishment period his pay should be Rs.276 from which stage he was reduced to Rs.260 for a period of five years with cumulative effect in accordance with the Rule 29 of FRSR Part-1 General Rules. His appeal against the order of punishment was also rejected by the Appellate Authority by order dated 16.5.94 (A-3). He filed a petition to<sup>The</sup> Member, Postal Board, for setting aside the punishment order which was also rejected by order No.1/196/94-VP, dated 23.3.95 (A-1)

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The applicant has not submitted any representation for fixing his pay at the stage of Rs.276 after the expiry of the punishment.

5. This OA is filed for striking down the impugned directions in the punishment order namely with cumulative effect in the first sentence; his services after the expiry of 5 years will only be counted for increments subject to all rules and regulations in the last sentence and for a further direction to the respondents to fix the pay of the applicant on expiry of the penalty as per the guidelines mentioned in para-b(i) of the clarificatory orders under Rule 29 of FRSR with all consequential benefits.

6. The learned counsel for the applicant further elaborated that the above prayer means that his pay after the expiry of the punishment should be fixed at the stage of Rs.276 instead of Rs.260 and the increment on that basis should be granted to him from that date and he also prays for consequential arrears on that basis.

7. The Government of India's Orders of FRSR under Rule 29 2(b) (i) reads as below :-

"If the original order of reduction lays down that the period of reduction shall not operate to postpone future increments or is silent on this point, the Government servant should be allowed the pay which he would have drawn in the normal course but for the reduction. If, however, the pay drawn by him immediately before reduction was below the efficiency bar, he should not be allowed to cross the bar except in accordance with the provisions of FR 25".

The above order was issued by the Government of India by its memo No.G.I., M.F., O.M.No.F.2 (34)-E.III/59, dated the 17th August 1959 and the 9th June, 1960.

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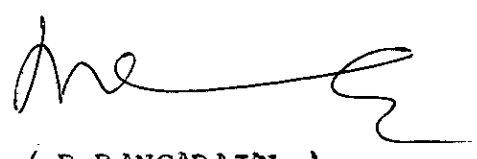
8. The learned counsel for the respondents submitted that the relief asked for by the applicant for fixing his pay at the stage of Rs.276 after the expiry of the punishment referred to above is in accordance with the rules and that his pay will be fixed accordingly. ~~In view of the above submission no~~

9. In view of the above submission, no further order is deemed necessary in this case. The respondents will ensure that the above submission of theirs will be implemented within a period of 3 months from the date of receipt of a copy of this order by not only fixing his pay at the stage of Rs.276 after the expiry of the punishment referred to above but also pay the arrears arising thereon if any within that stipulated period.

10. With the above direction the OA is disposed of.  
No costs.

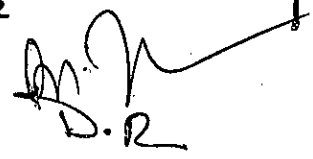
  
(B.S. JAI PARAMESHWAR)  
Member (Judl.)

24/2/98

  
(R. RANGARAJAN)  
Member (Admn.)

Dated : 24th February, 1998

(Dictated in Open Court)

  
D.R.

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Copy to:

1. The Member(P), Postal Services Board,  
Dak Bhavan, Sansad Marg, New Delhi.
2. The Postmaster General, Vijayawada Region,  
Vijayawada.
3. The Director of Postal Services, Vijayawada Region,  
Vijayawada.
4. The Senior Superintendent of Post Offices, Nellore Division,  
Nellore.
5. The Superintendent, Railway Mail Service,  
T.P.Division, Tirupathi.
6. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT, Hyderabad.
7. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC, CAT, Hyderabad.
8. One copy to D.R(A), CAT, Hyderabad.
9. One duplicate copy.

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TYPED BY  
COMPARED 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:

24/2/98

ORDER/JUDGMENT

~~M.A./R.A./C.A. NO.~~

in

B.A. NO.

837/95

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

