

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1478-of 1996

DATE-OF-ORDER:-24th-December,-1996

BETWEEN:
M.K.SUNKAPPA

.. APPLICANT

AND

1. The Superintendent of Post Offices,
Guntakal Postal Division, Guntakal,
2. The Director of Postal Services,
Kurnool Region, Kurnool,
3. The Post Master General,
Kurnool Region, Kurnool,
4. The Member (P), Postal services Board,
Dak Sadan, New Delhi.

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI S.RAMAKRISHNA RAO

COUNSEL FOR THE RESPONDENTS: SRI NV RAGHAVAREDDY, Adl.CGSC

CORAM:

HON'BLE SHRI JUSTICE M.G.CHAUDHARI, VICE CHAIRMAN

HON'BLE SHRI H.RAJENDRA PRASAD, ADMVE. MEMBER

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI JUSTICE M.G.CHAUDHARI,
VICE CHAIRMAN)

Heard Mr.S.Ramakrishna Rao for the applicant.

2. A disciplinary proceeding was commenced against applicant under Rule 8 of P&T ED Agents (Conduct and Service) Rules, 1964 for failure to account certain amounts deposited by the depositors into SB/RD Account. The applicant was working as EDBPM at Tatrakal Branch Office.

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He participated at the inquiry. The Inquiry Officer held the charge proved by evidence except that there was no evidence to prove specifically about making the deposits through a particular person and to that extent observed that benefit of doubt was extended to the applicant. However, in view of his finding that the charge was proved to the remaining extent on the basis of the evidence, the Disciplinary Authority i.e, Superintendent of Post Offices, Guntakal Division, Guntakal imposed penalty of debaring the applicant from appearing for any departmental examinations for a period of three years expressing hope that he will not commit such mistakes in future, by order dated 29.6.95.

3. The applicant did not appeal against that order.

4. The Director of Postal Services, however, issued suo motu notice to the applicant proposing to enhance the punishment. Notice was issued in exercise of powers under Rule 16 of the P&T ED Agents (C&S) Rules. Applicant submitted his reply/representation in answer to the said notice. After examining the record of the case, evidence on record and the representation of the applicant in reply to the notice, the Director of Postal Services agreed with the findings of the Disciplinary Authority that the guilt of the applicant was established by evidence but, took the view that the the punishment imposed was not adequate and was not commensurate with the gravity of the offence

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and after observing that the dishonest act of the Government servant had tarnished the fair image of the Department and continuation of such official in the Department is not desirable, ^{the} and enhanced punishment to that of dismissal from service with immediate effect. That order was passed on 5.1.96.

5. Applicant preferred an appeal against the aforesaid order to the Post Master General, Kurnool Region. However, the said appeal has been dismissed by the said authority by order dated 16.8.96 holding that he did not find any reason to interfere with the order of the Director of Postal Services.

6. Thus so far as the finding of guilt is concerned, all the authorities are uniformly agreed. It is only the question of quantum of punishment that has been agitated. Shri S.Ramakrishna Rao, learned counsel for the applicant submitted that having regard to the minor nature of the misconduct proved, the penalty of removal from service imposed by the Director of Postal Services is arbitrary, illegal and highly disproportion and needs to be quashed.

7. It is well established that the Tribunal cannot reappreciate evidence. This is not a case of no evidence. Authorities have looked at the evidence in a particular way and it is not possible to hold ^{that having regard to} even after the reasons recorded by them that, the authorities have acted either ^{in a} by perverse manner or had drawn such conclusions as could not

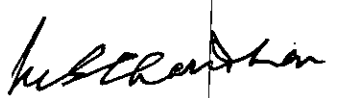
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be drawn reasonably. ^{it} As said earlier, ^{the} it is not open to us to reappreciate evidence. Even, therefore, assuming that it being a case involves ^{ing} enhancement of punishment and the applicant is entitled to attack correctness of the findings of the fact, we do not at all see any ground on which we can impeach ^{the} findings. This is also not a case where against the order of enhancement of punishment, the applicant had no other ^{remedy and Tribunal should} ~~quorum and can raise grounds of the~~ ^{interfere straightaway.} ~~contentions before this Tribunal.~~ The applicant himself had filed an appeal against the order of Director of Postal Services to the Post Master General who has recorded his own reasons to come to the conclusion that the order of the Director of Postal Services did not call for any interference. No grievance that principles of natural justice have ^{not} been complied with can be made by the applicant in these circumstances.

8. Coming to the question of quantum of punishment, ^{have} we already mentioned the reasons given by the Director of Postal Services for the same. The Post Master General also has not disagreed with ~~these~~ reasons. We do not find that the said reason given can be seriously faulted as once the guilt of the applicant was held proved to whatever extent it ^{was} ~~does~~ involving commission of an dishonest act. The amount involved in committing the dishonesty is not ^{the} criterion. Such conduct necessarily tarnish^{es} the image of the Department, ^{and} if, under these circumstances, the Director of Postal Services ^{was} ~~is~~ satisfied that ~~such~~ official like the applicant is not desirable to be continued in the

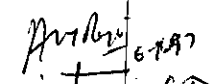
Department, it is not possible for us to hold that the reasoning is perverse or calls for interference by the Tribunal. It is well established that the proportionate^{ly} of the punishment is ordinarily not open to be interefered with by the Tribunal. Having regard to the aforesaid reasons, we do not find any prima facie case disclosed and consequently reject the OA summarily.


(H. RAJENDRA PRASAD)
ADMINISTRATIVE MEMBER


(M.G. CHAUDHARY. J)
VICE CHAIRMAN

DATED: 24th December, -1996
Dictated in the open Court

vsn


Deputy Registrar (D) CC.

O.A.1478/96

To

1. The Superintendent of Post Offices,
Guntakal Postal Division, Guntakal.
2. The Director of Postal Services,
Kurnool Region, Kurnool.
3. The Postmaster General,
Kurnool Region, Kurnool.
4. The Member(P) Postal Services Board,
Dak Sadan, New Delhi.
5. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT Hyd.
6. One copy to Mr.N.V.Raghavareddy, Addl.CGSC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD
MEMBER (ADVN)

Dated: 24-12-1996

~~ORDER~~ JUDGMENT

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

in

O.A. No. 1478/96.

T.A. No.

(W.P.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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