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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD

O.A. No. 970 OF 1996.

DATE OF ORDER: 7-12-1998.

BETWEEN:

S.Bheeswara Rao.

.. Applicant

a n d

1. The Superintendent of Post Offices,  
Machilipatnam Division,  
Machilipatnam, A.P.
2. The Directorate of Postal Services,  
Vijayawada Region, O/o Post Master  
General, Vijayawada-520 002.
3. The Director General,  
Department of Posts, Dak Bhavan,  
Sansad Marg, New Delhi-1.

.. Respondents

COUNSEL FOR THE APPLICANT :: Mr.Krishna Devan

COUNSEL FOR THE RESPONDENTS:: Mr.N.R.Devaraj

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

A N D

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

ORAL ORDER (AS PER HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (J))

Heard Mr.Krishna Devan, learned Counsel for the  
Applicant and Mr.N.R.Devaraj, learned Standing Counsel  
for the Respondents.

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2. The applicant while working as SPM, Chintaguntapalem Sub Office was issued with (A) minor penalty charge memo dated: 6-11-1995 alleging certain irregularities in the S.B. Account Branch.

3. The applicant submitted his explanation dated: 25-11-1995.

4. The Disciplinary Authority i.e., Respondent No.1 after considering the explanation offered by the applicant felt his explanation was not convinced and hence imposed the penalty of withholding one increment for a period of two years without cumulative effect as and when the increment fell due. His Order dated: 4-12-1995 is at Annexure A3 page.14 to the OA.

5. Against the said Order the applicant submitted an appeal dated: 18-1-1996 to the Respondent No.2. The memorandum of appeal is at pages 19 to 23. The Respondent No.2 by his Proceedings dated: 30-5-1996 has modified the penalty of withholding of one increment for a period of two years without cumulative effect to that of withholding one increment for a period of one year without cumulative effect.

6. The applicant has filed this OA challenging the Orders passed by the Disciplinary Authority and the Appellate Authority on the ground that there was no public complaint against the performance of his duties, that the proceedings were initiated on the basis of the report submitted by one Mr. Bali Shahi, who was working as Postmaster during the leave period of the applicant, that he had submitted his explanation to the Charge memo, that the

(D)

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authorities failed to consider his explanation in proper perspective and the Appellate Authority had not given definite decision as to confirm or disagree with the Disciplinary Authority and the Order passed by him is not a Speaking Order.

7. The respondents have filed their reply stating that there was no circumstances warranting his exonerations for dereliction of duty and the Appellate Authority having gone through the appeal and records of <sup>inquiry</sup> evidence modified the punishment of withholding of one increment to one year and that there are no grounds to interfere with the impugned Orders.

9. The applicant while performing as Sub-Postmaster, Chintagumtapalem, had committed certain irregularities as detailed in the Chargememo. It is his case that no one had submitted any complaint against his performance of duty and that the proceedings were initiated only at the instance of one Mr. Bali Shahi, who had worked as leave substitute during his leave period. Further the respondent-authorities have noticed the irregularities in retaining <sup>the</sup> Pass Books of the Depositors without giving Acknowledgement Forms and also had not noted the cash balance after closure of the day. In his explanation dated: 25-11-1995 the applicant himself admits that on certain dates the cash balance was not noted and not for the entire month. He has further contented that the alleged misconduct did not attract the provisions of any specific rule before taking recourse to rule 3(1) of the CCS(CCA) Rules. He made certain grievances against Bali Shahi in making report against him which forms the basis for issuing the chargememo.

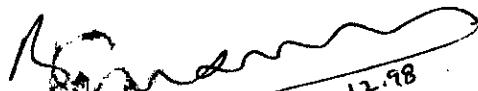
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10. After considering the pleadings and also the Orders passed by the Disciplinary as well as Appellate Authority, we do not find any reason to interfere with the impugned Orders. However, the Appellate Authority ~~had~~ taking into <sup>after</sup> facts and Circumstances consideration ~~and had~~ modified the punishment of withholding of one increment to two years to that of one year. The Appellate Authority had taken/lenient view in the matter and on going through the Appellate Order, it cannot be said that it is not a Speaking Order. Hence, we find no reasons to interfere with the impugned Orders.

11. In view of the above, the OA is dismissed leaving the parties to bear their own costs.

However, the above dismissal will not stand in the way of the applicant to file a Review Application if provided for under the rules, in accordance with law.

  
12.98  
(B.S. JAI PARAMESHWAR)

MEMBER (JUDL)

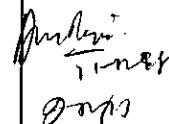
  
(R. RANGARAJAN)

MEMBER (ADMN)

DATED: 7th day of December, 1998

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Dictated to steno in the Open Court

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DSN

  
D. M. D.

CA. NO. 970/96

copy to:

- 1) the subdt. of post office, Machilipatnam Divn., Machilipatnam, A.P.
- 2) the Directorate of postal Services, Vijayawada Region, a/o. Post Master General, Vijayawada-2
- 3) the director general, Dept. of Posts, Dak Bhawan, Sansad Marg, New Delhi-1.
- 4) one copy to Mr. Krishna Devan, Advocate, CAT, Hyd.
- 5) one copy to Mr. N. R. Devereaj, S/o. CGSC, CAT, Hyd.
- 6) one copy to Mr. HBSJP. N(J), CAT, Hyd.
- 7) one copy to D.R(A), CAT, Hyd.
- 8) one duplicate copy.

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22/12/98  
Dy  
II COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 7-12-98

ORDER/JUDGMENT

MA/R.A./C.P.No.

in  
DA. NO. 970/96

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

