

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

OA.357/96

dated : 18-3-96

Between

Mr. E. Srinivasa Rao

: Applicant

and

1. The Chief Post Master General
AP Circle, Hyderabad

2. The Post Master General
Visakhapatnam Region
Visakhapatnam - 3

3. The Director of Postal Services
Visakhapatnam Region
Visakhapatnam - 3

4. The Supdt. of Post Offices
Kakinada Division, Kakinada : Respondents

Counsel for the applicant : E.S.R. Murthy, Advocate

Counsel for the respondents : V. Bhimanna
Addl. CGSC

CORAM

HON. MR. JUSTICE M.G. CHAUDHARI: VICE CHAIRMAN

HON. MR. H. RAJENDRA PRASAD: MEMBER (ADMN.)

Judgement

(As per Hon. Mr. Justice M.G. Chaudhari, V.C.)

Heard Sri E.S.R. Murthy, for the applicant and Sri V. Bhimanna, for the respondents.

2. A disciplinary inquiry was held against the applicant under the P&T ED Agents (Conduct and Appeal) Rules, 1964 on two charges as detailed in the Statement of Articles of Charge. An inquiry was held by the Inquiry Officer. The applicant participated at the inquiry. After considering the evidence adduced at the inquiry and the explanation of the applicant as well as his contentions, the Inquiry Officer upheld the charges proved. It may be mentioned that the Article -1 of the charge related to delayed gratuity of deposit of savings bank resulting in contravention of Rule 129 of Rules of Branch Office, which was a misconduct under Rule 17 of P&T ED Agents (C&A) Rules, 1964 and the second charge related to the delayed gratuity of Telephone revenue collections resulting in violation of Rule 174 of B.O. Rules and misconduct under Rule 71 of P&T ED Agents (C&S) Rules, 1964. The findings were accepted by the Disciplinary authority. He held that both the charges stand proved and are of a serious nature and therefore he was not considered to be competent person to be retained in Government service. Accordingly, he passed an order of removal of the applicant from service with immediate effect. That order was passed on 25-1-1995. The applicant

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carried an appeal to the appellate authority. The appellate authority by a reasoned order dismissed the said appeal by order dated 21-7-1995. The applicant seems to have filed a second appeal to the Post Master General on 20-11-1995 but he has not received any reply thereto. We, however, find from the provisions of the service rules for ED Staff that there is no provision for filing a second appeal. The superior authority mentioned in Rule 16, however, can review any order passed in a disciplinary case. The applicant however has not invoked that jurisdiction and the second appeal was misconceived.

3. Mr. Murthy, strenuously urged that the findings recorded by the authorities below are erroneous and have thus resulted in causing serious prejudice to the applicant. He also contends that there has been violation of principles of Natural Justice.

4. We find that the grievances against the findings which were made in memorandum of appeal have been duly considered by the appellate authority and he has given his reasons for accepting the findings of the disciplinary authority. It is, therefore, not possible to go behind those findings of fact. We also see no ground to come to the conclusion that there has been violation of principles of Natural Justice.

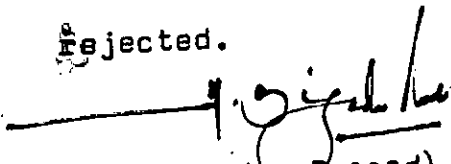
5. Learned counsel further submitted that the punishment of removal from service is disproportionate to the

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nature of alleged misconduct. We regret that we cannot go into that question once we have found that the inquiry was perfectly legal and valid. It is well settled that in such circumstances it is not open to the Tribunal to go into the question of quantum of punishment which has been found appropriate by the lower authority.

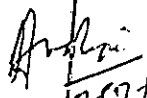
6. Thus, we find no merit in the OA and the same is rejected.


(H. Rajendra Prasad)
Member (Admn.)

18 MAR 96


(M.G. Chaudhari)
Vice Chairman

Dated : March 18, 96
Dictated in Open Court


24/3/96
Dnc

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To

1. The Chief Postmaster General,
A.P.Circle, Hyderabad
2. The Postmaster General,
Visakhapatnam Region, Visakhapatnam-3
3. The Director of Postal Services,
Visakhapatnam Region, Visakhapatnam-3.
4. The Superintendent of Post Offices,
Kakinada Division, Kakinada.
5. One copy to Mr.E.S.R.Murthy, Advocate, CAT.Hyd.
6. One copy to Mr.V.Bhimanna, Addl.CGSC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. ne spare copy.

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16/4/96

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

M.G. Chaudhari

THE HON'BLE MR. JUSTICE V. NEELADRI ~~IAO~~
VICE CHAIRMAN

AND

H. Rameshchandra Prasad

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

Dated: 18-3-1996

ORDER/JUDGMENT

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

in

O.A.No. 357/96

T.A.No. (w.p.No.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

