

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.NO.121/96

Date of Order : 8.11.96

BETWEEN:

Pradeep Kumar

.. Applicant.

AND

1. The Chief Post Master General,
A.P.Circle, Hyderabad-1.
2. The Director of Postal Services (CR),
O/o. the CPMG, A.P.Circle,
Hyderabad-1.
3. The Manager, Mail Motor Services,
Hyderabad-500 195.

.. Respondents.

Counsel for the Applicant

.. Mr.K.K.Chakravarthi

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (ADMN.)

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

J U D G E M E N T

{ Oral order as per Hon'ble Shri B.S.Jai Parameshwar, Member (Judl.) }

Heard Mr.K.K.Chakravarthi, learned counsel for the applicant and Mr.N.R.Devraj, learned standing counsel for the respondents.

2. In this original application the applicant has prayed this Tribunal to set aside the order dt. 22.12.90 passed by Respondent No.1 and confirmed by the Respondent No.2 in his order No.ST/16-HD/18/90, dt. 28.9.95. By the said orders the respondents Nos. 1 and 2 disagreeing with the enquiry officer, removed the applicant from service.

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3. During November 1987 the applicant was working as Watchman, in the office of the Manager, M.M.S., Hyderabad. There were allegations of misconduct against him in that on 11.11.87 and 13.11.87 the applicant failed to write his name in the gateman's register (vehicle movement register) immediately after taking over charge as watchman from his predecessor-on-duty. He did not make entry of the departure and arrival of the Mail Motors in the Watchman's register and did not check the movement of mail motors during his duty period from 00-00 to 08-00 hrs on 11.11.87 and 13.11.87 respectively. It was found that he was sleeping in a dormitory upto 08-00 hrs inspite of the instructions of the central clerk on duty on 13.11.87. Besides it was noticed that on 14.4.87 at 00-00 hrs the applicant disallowed Sri T. Kishore at MMS, Hyderabad to take out one of the tiffin carriers supplied to him by the co-operative credit society limited, MMS, Hyderabad, and that the applicant had snatched and stolen the tiffin carrier.

4. The enquiry into the above alleged acts of misconduct was conducted under Rule 14 of CCA Rules. On 19.4.90 the inquiry officer submitted his report. The inquiry officer found charges against the applicant were not proved. On 22.12.90 the disciplinary authority disagreeing with the report of the inquiry officer imposed the punishment on the applicant removing him from service. On 11.1.91 the applicant preferred an appeal against the order of removal to the Respondent No.2.

5. In the first instance on 22.8.91 the R-2 had dismissed the appeal confirming the punishment imposed on the applicant. Against the said order, the applicant filed OA.No.720/92 before this Tribunal. On 20.8.92 the Tribunal set aside the orders passed by the Respondent No.2 and directed ^{him} to consider the representation of the applicant and to pass a speaking order.

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6. Thereafter on 28.9.95 the Respondent No.2 following the directions given by this Tribunal considered the records of the inquiry agreed with the findings and reasonings recorded by the disciplinary authority and rejected the appeal.

7. This application is against the said order dt. 28.9.95 rejecting his appeal on the grounds that the charges framed against him were irrelevant, that the Manager subsequent to the same informed the applicant that he would see him finished one day in some case or the other, that the ^{then} General Manager had a grudge against him, that the observations made by the appellate authority has been misinterpreted that mere absence alleged to have been committed by the applicant on 11.11.87 and 13.11.87 does not constitute ~~as~~ misconduct, that the inquiry authority had recorded that the said charges were not proved, that his request for a lesser punishment has not been discussed by the appellate authority, that the appellate authority casually observed that the punishment imposed by the disciplinary authority is commensurate with the gravity of the offence committed by the applicant, that the question of double jeopardy was not considered by the appellate authority and that the orders under challenge be set aside with consequential benefits.

8. The respondents have not filed any reply statement. Sri N.R.Devraj, learned standing counsel for the respondents supported the orders passed by the respondents and submitted that this authority cannot interfere with the orders passed by the respondents 1 and 2 in order to maintain discipline in the organisation and the establishment. He further submitted that it is upto the disciplinary authority to impose proper penalty on the delinquent officials.

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9. This Tribunal cannot sit in an Appellate Forum and try to re-appreciate the evidence placed on record. The scope and power of this Tribunal is much limited to ascertain only whether the principles of natural justice were followed and whether the competent officer had passed the impugned order.

10. The disciplinary authority disagreed with the findings of the inquiry authority and had given reasons and also considered the Watchman's register wherein certain alterations and corrections were made to make believe that the applicant was performing the duties on the relevant dates. The learned standing counsel is in possession of the vehicle movement register. We verified the register. We are satisfied that observations made by the disciplinary authority while disagreeing with the findings recorded by the Inquiring Authority cannot be termed to be arbitrary.

11. Further as regards the snatching of the tiffin carrier from T.Kishore there is material on record to substantiate the said charge.

12. The learned counsel for the applicant lastly contended that the punishment imposed on the applicant is disproportionate to the gravity of the charge. But we cannot agree with this submission. It is left to the organisation to pass proper penalty in order to maintain discipline and dedicatedness in the organisation.

13. Therefore, we are of the view that there are no grounds to entertain this application.

14. Hence this application is dismissed. No costs.


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

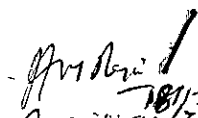

(H. RAJENDRA PRASAD)
Member (Admn.)

8.11.96

Dated: 8th November, 1996

(Dictated in Open Court)

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Dy. Registrar (S)

Copy to:-

1. The Chief Post Master General, A.P.Circle, Hyd.
2. The Director of Postal Services(CR), O/O The CPMG, A.P. Circle, Hyd.
3. The Manager, Mail Motor Services, Hyderabad.
4. One copy to Sri. K.K.Chakravarthi, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

RSM/-

27/11/98 (A3)
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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

H. Rajendra Prasad
THE HON'BLE SHRI R. RANGARAJAN: M(A)
Hon Mr B.S. Jw Parmeshwar m (3).

DATED: 8/11/96

ORDER/JUDGEMENT
R.A/C.P./M.A.NO.

O.A.NO.

in
121/95

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS
DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
देवाय/DESPATCH

27 NOV 1998 *new*

हैदराबाद ब्याचपीठ
HYDERABAD BENCH