

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

52

O.A.499/97

Date of decision: 28.4.97

Between:

Mohd. Akbaruddin ... Applicant

And

1. Union of India, rep. by  
Director General, Postal  
and Telegraphs,  
New Delhi.
2. Chief Post Master General,  
A.P.Circle, Hyderabad.
3. Director of Accounts (Postal),  
Hyderabad. ... Respondents
- Shri K.K.Chakravarthi ... Counsel for applicant
- Shri N.R.Devaraj, SCGSC ... Counsel for respondents

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HON'BLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN

HON'BLE MR. H. RAJENDRA PRASAD, MEMBER (ADMVE.)

JUDGEMENT

Oral order (per Hon'ble Mr. Justice K.M.Agarwal, Chairman)

Heard the learned counsel for the applicant on admission.

After departmental enquiry the charges framed against the applicant were found proved. Accordingly the impugned order of penalty was passed against the applicant. By this order the pay of the applicant was reduced by one stage from Rs. 1300/- to Rs. 1275/- in the pay scale of Rs. 950-20-1150-EB-25-1400 for a period of one year, with further direction to treat the period of suspension as such and that he would not earn increments of pay during the period of reduction.

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2. The learned counsel for the applicant argued that for one mis-conduct three penalties have been imposed. We do not agree with the learned counsel. Rule 11 (v) specifically reads as follows:-

"(v) reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay; "

The penalty imposed on the applicant is covered by the aforesaid major penalty mentioned at clause (v) of Rule 11 of the CCS (CCA) Rules.

3. The learned counsel next argued that the incident took place after the office hours in respect of which no DE could be held. We do not agree with this contention. An officer considers to be on duty all the hours of the day and he is expected to behave in manners expected of a government servant. Accordingly the ground that the mis-conduct was committed at 5.30 PM i.e, after office hours, has no substance and deserves to be rejected.

4. Referring to the document filed as Annexure-14, the learned counsel submitted that the Watchman, retracting from what he had stated earlier, submitted that the incident did not take place as alleged and the charge could not be said to have been happened. However, we find no substance in this contention. We are not sitting in appeal over the order passed by the disciplinary authority and therefore we cannot go into that question under section 19 of the C.A.T. Act.

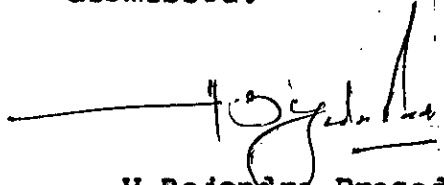
5. The learned counsel for the applicant also submitted that in fact the charge was not made by the applicant but by his son and therefore he could not be

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punished. We are of the view that we can not go into that disputed question of fact.

6. For the aforesaid reasons we find no merit in this application. Accordingly it is hereby summarily dismissed.

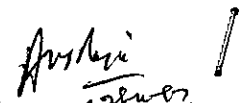


H. Rajendra Prasad  
Member (Admve.)



K.M. Agarwal (J)  
Chairman

28th April, 1997

  
Deputy Registrar (DCC)

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O.A.499/97

To

1. The Director General, Postal and  
Telegraphs, Union of India,  
New Delhi.
2. The Chief Postmaster General,  
A.P.Circle, Hyderabad.
3. The Director of Accounts(Postal)  
Hyderabad.
4. One copy to Mr.K.K.Chakravathy, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, Sr.OCSC. CAT.Hyd.
6. One copy to D.R.(A) CAT.Hyd.
7. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE K.M. Agarwal  
~~CHAIRMAN~~ - CHAIRMAN

and

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 28-7-1997

ORDER/JUDGMENT

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

in

C.A.No.

T.A.No.

499/97

(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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केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal बेच/DESPATCH 10 JUN 1997 हैदराबाद न्यायाधीश HYDERABAD BENCH
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