

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

O.A.No.438/1997

Jaipur, this 22nd day of May, 2002

Hon'ble Shri M.P. Singh, Member(A)
Hon'ble Shri J.K. Kaushik, Member(J)

Gopi Lal Sharma
Village Hanutiya
Panchayat Samiti Masuda
District Ajmer .. Applicant

(Shri S.K. Jain, Advocate - not present)

Versus

Union of India, through

1. Secretary
Department of Posts
New Delhi
2. Director General
Dept. of Posts, New Delhi
3. Chief Postmaster General
Rajasthan Circle, Jaipur
4. Superintendent(Post Offices)
Beawar Division, Beawar

Respondents

(Shri N.C. Goyal, Advocate)

ORDER

Shri M.P. Singh, Member(A)

Order dated 21.8.97 imposing the penalty of dismissal from service on the applicant is under challenge in the present OA filed under section 19 of AT Act, 1985. Applicant also seeks direction that Rule 18(4) of the ED Agents (Conduct & Service) Rules, 1964 be struck down as violative of Article 14 of the Constitution of India.

2. None appeared for the applicant. We have heard the learned counsel for the respondents and considered the pleadings available on record.
3. Admitted facts of the case are that the applicant while working as Extra Departmental Post Master, Hanutiya was issued with a major penalty charge-sheet on 4.9.1996 asasmuch as he contested the election for the selection of Sarpanch of Village Panchayat, Hanutiya in 1995 and was eventually elected on the said post. Thus he continued to work simultaneously on two posts namely EDPM as well as Sarpanch, which amounted to misconduct on his part

under Rule 18(4) of EDA(Conduct & Service) Rules, 1964. The said Rule stipulates that 'No employee shall canvass or otherwise interfere or use his influence in connection with, or take part in, an election to any legislature or local authority. Though the applicant had admitted the fact of contesting the election and his selection as Sarpanch, he had denied violation of Rule 18(4) supra. A regular enquiry as per the Rules was conducted and the charge levelled against the applicant was proved. Thereafter the competent disciplinary authority passed the impugned order dated 21.8.97 imposing upon him the aforesaid punishment. However, the applicant did not hand over the cash of Post Office and other articles such as seals, stamps etc. and illegally and unauthorisedly retained them regarding which an FIR was lodged with the SHO, Bijainagar. He ultimately handed over charge on 19.12.1997.

3. From a perusal of the material available on record, we find that the enquiry has been conducted as per the procedure laid down on the subject, the applicant was afforded ample opportunity to defend himself and that after considering all the relevant factors, the disciplinary authority has passed a detailed, reasoned and speaking order imposing upon the applicant the aforesaid punishment. Therefore the action taken by the respondents does not warrant this Tribunal's interference. That apart, the applicant has rushed to this Tribunal without availing the remedy available to him under the relevant service rules by preferring an appeal against the punishment order and on this ground also the present OA is not maintainable.

W.M.

4. In so far as applicant's challenge to the vires of Rule 18(4) supra, the same cannot be entertained at this stage when the Rules have been framed in the year 1964, whereas the present OA has been filed on 1.10.1997.

5. Therefore, for the reasons recorded above, we find no merit in the present OA and the same is accordingly dismissed. No costs.

J. K. Kaushik

(J.K. Kaushik)
Member(J)

M.P. Singh

(M.P. Singh)
Member(A)

/gtv/