

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 09.07.02

OA No.110/1998

Sunit Kumar Jain s/o Shri K.B.Jain, r/o House No.359,
Vasundhara Colony, Tonk Phatak, Jaipur, at present
Assistant Superintendent of Post Offices, South Sub-
Division, Alwar (Raj.)

.. Applicant

Versus

1. Union of India through the Secretary, Ministry
of Communication, Government of India, New
Delhi.
2. The Director, Postal Services, Government of
India, Jaipur Region, Jaipur.
3. The Superintendent of Post Offices, Jaipur
Mofussil Division, Jaipur

.. Respondents

Mr. Surendra Singh - counsel for the applicant

Mr. S.S.Hasan - counsel for the respondents

CORAM:

HON'BLE MR. H.O.GUPTA, MEMBER (ADMINISTRATIVE)

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDICIAL)

O R D E R

Per Hon'ble Mr. H.O.GUPTA, Member (Administrative)


The applicant has prayed for quashing the order
dated 30.12.96/7.1.97 (Ann.A1) whereby a minor penalty of
withholding his next increment for a period of 6 months
without cumulative effect, has been imposed and also the
order dated 12th May, 1997 (Ann.A2), whereby his appeal is
rejected, on various grounds contained in this application.

2. The case of the applicant as made out, in brief, is that while working as Assistant Superintendent of Post Offices, he was served a memo dated 4.11.96 by the Superintendent of Post Offices under Rule 16 of the CCS (CCA) Rules, 1965 alongwith a statement of imputation containing allegation of contravention of the provisions of Rule 19(1)(ii) of CCS (Leave) Rules, 1972 which required leave application to be accompanied with certificate of illness. It was also alleged that he contravened the provisions of Rule 62 of Postal Manual Vol. III and Rule 19(5) of CCS (Leave) Rules, 1972 by remaining absent from duty unauthorisedly during the period from 14.9.96 to 28.9.96. It was further alleged that he contravened the provisions of Rule 152 of the Postal Manual Vol. III by leaving headquarters without obtaining prior permission of the competent authority during the said period. He denied the allegation giving detailed explanation, but the Disciplinary Authority imposed a minor penalty of withholding his next increment for a period of 6 months without cumulative effect, which was confirmed by the Appellate Authority.

3. The respondents have contested this application. The applicant has also filed rejoinder.

4. Heard the learned counsel for the parties and perused the records.


4.1 On perusal of the record available and those submitted by the respondents, it is established that the applicant left headquarters without permission. It is also established that the applicant did not submit certificate



for being medically unfit within the prescribed period as required under the rules. He only submitted medical certificate after joining the duty. Therefore, the applicant has contravened the provisions of Rule 19(1)(ii) of the CCS (Leave) Rules, 1972 and Rule 152 of the Postal Manual Vol.III. Accordingly, it cannot be said to be a case of no evidence.

4.2 The respondents have awarded a lower minor penalty of stoppage of one increment for a period of 6 months without cumulative effect which, in our opinion, does not call for any judicial interference and, accordingly, this OA is dismissed.

5. No order as to costs.


(M.L. CHAUHAN)

MEMBER (JUDICIAL)


(H.O. GUPTA)

MEMBER (ADMINISTRATIVE)