

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

DATE OF ORDER : 16.05.2002.

OA No. 354/2001

B.S. Sinisiwar son of Shri Gyansiram by caste Sinsiwari aged about 56 years resident of C-22, Krishnapuri (Raukdi) Hatwara Road, Jaipur. Presently working as SA-II O/o Railway Mail Service, Jaipur.

.....Applicant.

VERSUS

1. Union of India through the Secretary to the Govt. of India, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Member (P), Postal Services Board, New Delhi.
3. Chief Post Master General, Rajasthan Circle, Jaipur.
4. Sr. Supdt. Railway Mail Service, Opp. Radio station, Jaipur.

.....Respondents

Mr. P.N. Jatti, Counsel for the applicant.

Mr. N.c. Goyal, counsel for the respondents.

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Hon'ble Mr. M.P. Singh, Member (Administrative)

Hon'ble Mr. J.K. Kaushik, Member (Judicial)

ORDER (CORAL)

PER HON'BLE MR. M.P. SINGH, MEMBER (ADMINISTRATIVE)

By filing this OA, applicant has sought for a direction to quash and set aside the order dated 13.1.98 (Annexure A/3), order dated 5.6.98 (Annexure A/5) and order dated 24.7.2000 (Annexure A/1) and he also sought for a direction to pay him arrears of pay and other consequential benefits.

2. The admitted facts of the case are that applicant is working as Sorting Assistant in the Department of Posts. While working as Sorting Assistant, he was issued with a Charge sheet by the respondents under Rule 16 of CCS(CCA) Rules, 1965. The statement of imputations of misconduct or misbehaviour framed against the applicant is as follows:-

"It has been reported by the SRM(Stg.) Jaipur RMS dated 24.8.96 that Shri L.C. Meena, T.C. Dixit and Shri M.C. Sharma, SAs were not doing sorting work and disturbing others work, so he asked them to work peacefully. After that he returned to his chamber and gave a letter to the HSA to maintain peaceful atmosphere and issued caution letters to Shri T.C. Dixit, LC. Meena and Shri M.C. Sharma, SAs. Immediately after that Shri B.S. Sinsinwar SA and Divisional Secretary and Shri B.L. Bangaliya SA and Union leader and Shri Karottam Singh, SA entered the chamber of Suptd. (Stg) and asked him to beg sorry to all the staff members for issuing the caution letter and tried to pressurise to withdraw the caution memo. On not acceding their demand Shri B.S. Sinsinwar instigated the staff whereupon all the staff of Jaipur RMS/1 assembled in front of the chamber of Suptd (Stg) and created a boisterous scenario made a deafening noise. He addressed the gathering and created commotion in the office. Due to instigation by Shri B.S. Sinsinwar, the work of Set/2 remained closed from 15.40 to 18.30 Hours. which resulted into huge transfer of mail amounting to more than one lac by Batch 'A' and the work got unmanageable.

From the above version, it is evident that the Shri B.S. Sinsinwar had resorted to such practices which resulted into cessation of Govt. work by way of abetment/instigation to other officials and hthereby violated the provisions of Rule 7(ii) of the CCS (Conduct) Rules, 1964.

It is, therefore, alleged that the said Shri B.S. Sinsinwar, SA has acted in a manner of unbecoming of a Govt. Servant which is too in contravention of the provisions of Rule 3 T(iii) CCS (Conduct) Rules, 1964.

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3. On receipt of the charge sheet, the applicant had requested the respondents vide representation dated 29.5.97 for supplying certain documents to prepare his reply. The respondents by their letter dated 26.11.97 have allowed the applicant to examine the report of SRM(Stg) on the basis of which charges were framed against him. The applicant had attended the office on 3.12.97 and examine the report. Thereafter, he submitted another application dated 18.12.97 for supplying certain other documents. No reply was received from the respondents on this letter. The respondents thereafter passed an ex-parte order dated 13.1.98 whereby they have imposed penalty of with-holding of one increment for a period of three years without cumulative effect upon the applicant. Thereafter, the applicant had filed an appeal and the Appellate Authority vide its order dated 5.6.98 had rejected the appeal. The applicant had also filed Revision Application, which was also rejected by the Reviewing Authority vide its order dated 24.7.2000. Aggrieved by this, application has filed this OA.

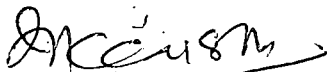
4. Heard both the learned counsel for the parties and perused the record.

5. During the course of arguments, learned counsel for the applicant has submitted that applicant has not been supplied with certain documents by the respondents, which were required to prepare his reply. He has also submitted that the respondents have passed an ex-parte order without waiting for the reply of the applicant and without supplying the documents asked for by the applicant. On the other hand, learned counsel for the respondents stated that as per procedure, applicant was permitted to inspect the relied upon documents. The other documents, which were asked for by the applicant, were not relevant and, therefore, non supply of these documents has not caused any prejudice to the applicant.

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6. After hearing the learned counsel for the parties and perusing the record, we find that respondents had issued the charge sheet to the applicant under Rule 16, of CCS(CCA) Rules for imposing minor penalty as per procedure. No formal inquiry under the rules is required to be conducted by the Disciplinary Authority unless it is asked for by the applicant or considered necessary by the Disciplinary Authority himself. In this case, applicant has not asked/requested the Disciplinary Authority for holding a formal inquiry. The applicant has only asked for supplying certain documents. The Disciplinary Authority had permitted him to inspect report of the SRM (Stg.) on the basis of which charges have been framed against the applicant. In this case, we also find that applicant has nowhere denied the charges levelled against him. He has also not submitted his reply to the charges framed against him even after a period of seven months. We also find that by not supplying the documents asked for by the applicant, no prejudice has been caused to him. The law settled by the Hon'ble Supreme court in this regard is that Court/Tribunal cannot reappreciate the evidence and also cannot go into the quantum of punishment unless it shocks the conscious of the Court/Tribunal. In this case, we find that respondents have followed due procedure before imposing the penalty on the applicant. The respondents have also given opportunity to the applicant to prepare his defence and thus principle of natural justice have been observed by the respondents. In this view of the matter, we do not find any ground to interfere with the order passed by the Disciplinary Authority, Appellate Authority and the Reviewing Authority.

7. For the reasons recorded above, the OA is devoid of merit and is accordingly dismissed. No order as to costs.



(J.K. KAUSHIK)

MEMBER (J)



(M.P. SINGH)

MEMBER (A)