

Central Administrative Tribunal, Jabalpur Bench, Jabalpur

Original Application No. 580/2005

Jabalpur, this the 9th day of May, 2006

HON'BLE SHRI DR. G.C. SRIVASTAVA, VICE CHAIRMAN
HON'BLE SHRI K.B.S. RAJAN, MEMBER (J)

Smt. R. Sundareshan aged about 45 years w/o K.K. Sundaresan
Postal Assistant, Station Road Post Office, P.O. Ratlam (MP) 457001.

...Applicant

By Advocate: Sri A.N. Bhatt

Versus

The Union of India and others represented by:

1. The Chief Post Master General, Madhya Pradesh Pari
Mandal, P.O. Bhopal (M.P.) 462012.
2. The Director Postal Services, Indore Region, P.O.: Indore
(MP) 452001.

..Opposite Parties

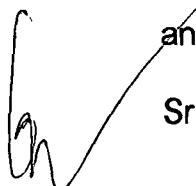
By Advocate: Shri Umesh Gajankash

ORDER

BY HON'BLE SHRI K.B.S. RAJAN, MEMBER (J)

The applicant was appointed as Postal Assistant in April 1981
and through a departmental examination, she was posted as
Inspector of Post Offices on 14.2.1991.

2. While the applicant was working under one Shri V.D. Sharma,
Assistant Director of Post Offices (Establishment), on 15.9.2000 in the
afternoon as per the version of the applicant, she was called to his
chamber and on her visiting the chamber, he started scolding her
and also threatened on the very same date both in the afternoon
and in the evening. When the applicant approached one Shri A. P.
Srivastava, the then Director Postal Services, Indore Region to complain



against the sexual harassment by Shri V.D. Sharma her complaint was not accepted.

3. According to the applicant, the respondents with some vengeance against her initially transferred the applicant to Ratlam and despite her earnest request for deferment of her transfer on educational grounds, the respondents declined her request. The applicant thus joined the post at Ratlam in May 2001.

4. One Shri L.N. Sharma then posted as Director of Postal Services Indore in connivance with the group of officers fabricated and concocted a case and issued charge sheet to the applicant where in it was alleged that the applicant has misbehaved and used abusive language to Shri V.D. Sharma, Assistant Director (Establishment).

5. The applicant had filed her representation and according to her a farce inquiry was conducted and the inquiry officer recorded his finding as the charges having been proved. According to the applicant she was denied his reasonable opportunity.

6. The disciplinary authority concurred with the inquiry report and imposed punishment of compulsory retirement. When the applicant preferred an appeal, the same was rejected consequent to which the applicant filed a review petition and the review authority reduced the penalty and modified the penalty order as under:

"Reduction from the post of Inspector, Grade Rs 5500-9000 to the post of Postal Assistant. Grade Rs 4000-6000 with immediate effect and she will earn increments in Grade Rs 4000-6000 as Postal Assistant and this reduction will be for ever in future service period."



7. The applicant has challenged the above order of penalty including the revisional order. According to her the penalty would have the following effect:

- a) Reduction in rank from the post of an Inspector to the lowest recruitment grade
- b) Steep reduction in pay scale from Rs.5500-9000 to 4000-6000
- c) Reduction in pay from Rs 7075-4000
- d) Corresponding reduction in various allowances.
- e) No promotion till her retirement (15 years)
- f) The applicant will not be allowed to appear in any selection
- g) The punishment would be for 15 years.

8. The respondents have contested the O.A. According to them the applicant has deserted her duty and reached the chamber of Shri V.D. Sharma, Assistant Director Establishment without permission and started abusing him without any provocation. She had misbehaved with the said V.D. Sharma in the evening in the presence of the then Director of Postal Services and Senior Superintendent of Post Offices Indore. The respondents contended that the charges levelled against the applicant have all been proved and the same are of grave nature and thus the punishment awarded was commensurate with the gravity of misconduct. According to them the revisional authority has been lenient towards the applicant.

9. The applicant had filed her rejoinder where in she reiterated her original stand.

10. Arguments have been heard and the documents perused.

11. The counsel for the applicant has referred to certain averments regarding telephonic conversation etc. relating to Shri V.D. Sharma's

family not directly related to the charge sheet. We have no concern~~not~~ about the same as the allegation made against Shri V.D. Sharma though alleged malafide, Shri V.D. Sharma has not been impleaded as a respondent and as such this Tribunal is under no circumstances to consider malafide against the particular individual. The counsel for the applicant has stated that the transfer of the applicant to Ratlam itself was a kind of punishment and in view of disturbance in the domestic affairs caused to the family, one of the family members, daughter of the applicant even committed suicide. He had further stated that the proceedings were initiated almost by passing the procedures and the impugned order cannot sustain any legal scrutiny. The counsel for the applicant referred to the following two cases.:

- (a) **Shri B.C. Tewari versus Union of India and Others 1996 (1) CAT Page 71(O.A. No. 53/1994 (Guwahati Bench)**
- (b) **T. Subba Rao Versus Shri D.C. Nizamabad 1987 (1)CAT Page 342(R.P. No. 798/96 Hyderabad).**

12. On the other hand the counsel for respondents submitted that the proceedings were conducted strictly in accordance with the provisions contained in CCS CCA Rules 1965 and the Inquiry Officer's finding was considered and agreed to in toto by the disciplinary authority. The counsel for respondents in support of his contention referred to the following decision:

L.K. Verma Versus H.M.T. Limited and Another 2006 AIR SCW 460. "He has invited the attention of this Tribunal to the observations of the apex court " so far as the contention as regard quantum of punishment is concerned, suffice it to say that verbal abuse has been held to be sufficient for inflicting a punishment of dismissal."

13. It is the admitted fact that the applicant has certainly committed the misconduct. This is evident from the following:

 (a) Vide order dated 24.6.2003 it has been stated as under:

- (i) However, she felt sorry for misbehavior and assured to be careful in future. She told that 32

vacancies for O/C in PSS Grade B have been declared and she is hopeful of clearing the examination.

(ii) I have gone through all the papers. The charged official has admitted, here and there, her misconduct in exp-9 and representations dated 17.4.2003 and 18.4.2003. In para 5 of representation dated 18.4.2003, She has mentioned that majority of the staff felt happy by this incident and distributed sweets saying

“ She however, feels that the incident is not so serious to award any major punishment. She has also mentioned in her representation about treatment for some psychic problem, from Dr. Mansharamani and Dr. Smita Agarwal.

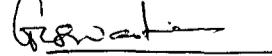
(b) Vide order dated 20th October 2003. the appellate authority in Para 3(i) has stated :

“accepted her involvement in the incidents on 15.09.2000 involving the said Shri V.D. Shjarma(as brought out in the memo of charges against her), but has disputed the nature and gravity of the same. She also contends that her relations with Shri V.D. Sharma have always been cordial. She has also stated that she is sorry for such misconduct, and had apologized immediately after the incident to the then DPS.”

14. As regards the contention that no opportunity was given to the applicant ,it is observed from the records that the entire procedure followed is in accordance with the disciplinary procedure. The orders dated 24.6.2003 and 20.10.2003 are comprehensive and deal with the every points. The revisional authority order has also embarrassed all the points and the view taken by the revisional authority is cogent and the decision to reduce the penalty express tackily that a smooth view has been taken by the revisional authority. Under the above circumstances, the impugned orders cannot be interfered with and accordingly the O.A. is rejected.

15. No costs.


(K.B.S. RAJAN)
MEMBER (J)
HLS/-


(Dr. G.C. SRIVASTAVA)
VICE CHAIRMAN