

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 422 of 2001

Jabalpur, this the 24th day of June, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Harikant Tripathi, S/o. Rameshwar
Prasad Tripathi, aged 46 years,
Asstt. Post Master (Accounts),
Office of Post Master, Head Post
Office, Satna (MP).

... Applicant

(By Advocate - Shri Yogesh Dhande)

V e r s u s

1. Union of India,
through its Secretary,
Ministry of Post, New Delhi.

2. Post Master General,
Raipur Region, Raipur, O/o.
PMG, Raipur (Chhatisgarh).

3. The Supdt. of Post Offices,
Rewa.

4. The Member (P) Postal Services
Board, Department of Post,
New Delhi.

5. Asstt. Director General (VP),
Department of Posts, New Delhi,
Through President of India.

... Respondents

(By Advocate - Shri Gopi Chourasia on behalf of Shri
S.A. Dharmadhikari)

O R D E R

By Madan Mohan, Judicial Member -

By filing this Original Application the applicant
has claimed the following main reliefs :

"(a) to quash the impugned order dt. 30.7.97
(Annexure A-1),

(b) to quash the orders dated 12.6.2000
Annexure A-8, order dated 7.6.99 (Annexure A-7)
and order dated 27.1.98 (Annexure A-6)."

2. The brief facts of the case are that the applicant
was appointed on the post of Postal Clerk in the year
1976 in the respondents Department. He was promoted on

the post of Assistant Post Master (Accounts), Head Post Office, Satna on 30.5.1995. At that time without the respondent No. 3 without giving any show cause notice issued memo of charge sheet to the applicant under Rule 16 of CCS (CCA) Rules, 1965 vide office memo dated 6.2.1997. The applicant asked for inspection of some records and documents which were necessary and helpful for preparation of defence statement. But he was informed that the documents requisitioned were not relevant to the case of the applicant and that he should submit his defence with available records and informations as also endorsed to the Post Master, Satna H.O. that relevant records may be shown to the applicant. The disciplinary authority without giving any opportunity of hearing to the applicant awarded the punishment of reduction of two stages for a period of six months without cumulative effect with effect from 1.8.1998. The applicant filed the appeal which was decided with a modification to the extent of one stage of pay reduced for the period of six months. The applicant thereafter filed a petition before the respondent No. 4 through proper channel. The respondent No. 4 without considering the applicant's ground raised in the petition rejected the petition vide order dated 7.6.1999. Thereafter the applicant filed a review petition before the respondent No. 5 and the respondent No. 5 also rejected the review petition filed by the applicant vide order dated 12.6.2000. These orders passed by the respondents are illegal and contrary to the Article 311(2) of the Constitution and also against the Rule 77 of P&T Manual Volume III.

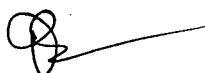
3. Heard the learned counsel for both the parties and perused the records carefully.



4. It is argued on behalf of the applicant that the applicant requested for inspection of some records and documents which was necessary and also helpful for preparation of the defence statements. But these documents were not permitted to be inspected. No opportunity was given to the applicant to file representation and our attention is drawn by the learned counsel for the applicant towards Annexure A-3 dated 22.4.1997 in which a copy of the same was sent to the Post Master, Satna, with the direction that if the applicant desires to see certain documents the same be permitted to him. The applicant was never permitted by the concerned post master. Hence the impugned orders are passed without giving any opportunity of hearing to the applicant.

5. In reply the learned counsel for the respondents argued that the order passed by the disciplinary authority was modified by the appellate authority and reduced the penalty^{of} reduction of two stages for a period of six months without cumulative effect, to the extent of one stage of pay reduced for a period of six months. The applicant was given due opportunity of hearing as he has prepared the appeal in detail mentioning all the facts and circumstances. He also preferred a petition against the order of the appellate authority and lastly also filed a review petitions. Both the petitions were rejected. Hence, the applicant cannot say that he was not given the opportunity of hearing and since it is a case of minor penalty no detailed enquiry is needed.

6. After hearing the learned counsel for both the parties and on careful perusal of the record, we find that as per order dated 7th June, 1999 (Annexure A-7) which is passed by the Member (P), Postal Services Board,



that
it is clearly mentioned the contention of the applicant that he was denied reasonable opportunity to defend his case cannot be accepted and if the Head Postmaster, Satna HO had not allowed him to inspect the documents, then he should have brought it to the notice of the SPOs Rewa. But the applicant failed to inspect the same in the office where he was working. The applicant preferred an appeal in which the appellate authority modified the punishment and reduced the same. It means that the authority concerned has considered the representation of the applicant while passing the order in the appeal. The applicant has also filed another petition before the respondent No. 4 and the same was also rejected vide order dated 7.6.1999. Thereafter the applicant has filed review petition before the respondent No. 5 and the respondent No. 5 rejected the review petition filed by the applicant, vide order dated 12.6.2000. This is a case of minor penalty, hence detailed enquiry is not required according to the rules. It is a settled legal proposition that the Courts/Tribunals cannot reappraise the evidence and also cannot go into the quantum of punishment unless it shocks the conscience of the Tribunals/Courts.

7. Accordingly, we are of the considered opinion that the Original Application does not have any merit and is liable to be dismissed. We do so accordingly. No costs.



(Madan Mohan)
Judicial Member



(M.P. Singh)
Vice Chairman