

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 611 of 2001

Jabalpur, this the 18th day of June, 2004

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

Harikant Tripathi,
Son of Late Rameshwar Prasad
Tripathi aged 46 years, posted as
Assistant Post Master Rewa
(Accounts) Head Post office
Rewa (M.P.)

APPLICANT

(By Advocate - Shri Y Dhande)

VERSUS

1. Union of India through its
Secretary Ministry of Post
New Delhi.
2. Director of Postal Services
Raipur O/O Chief P.M.G. Raipur
(Chhatisgarh).
3. The Superintendent of Post Offices
Rewa (M.P.)
4. The Member(P) Postal services
Beard Department of Posts
New Delhi.
5. Assistant Director General (V.P.)
of posts New Delhi through
President of India.

RESPONDENTS

(By Advocate - Shri P. Shankaran)

O R D E R (ORAL)

By Madan Mohan, Judicial Member -

By filing this OA, the applicant has sought the
following main reliefs:-

"a) To quash the impugned order dated 31.12.97
Ann.P/9.

b). To quash the order dated 13.9.2000 Annex.A/13
order dated 24.12.99 Annex.A/12, and order dated
11.8.98 Annexure A/11"

2. The brief facts of the case are that the applicant
was initially appointed on the post of Postal Clerk in
the year 1976. He was granted promoted to the post of
Assistant Post Master (Accounts) on 30.5.1995. While
working as such, respondent no. 3 issued a show cause notice

to the applicant and called upon explanation within seven days (A/1). After receipt of the said show cause notice, the applicant asked for inspection of some records and documents which were necessary and helpful for preparing the reply/explanation vide his letter dated 29.12.1996(A/2), which was not allowed on the ground that the requisitioned documents were not relevant. Thereafter the respondent no. 3 issue memo of chargesheet to the applicant under Rule 16 of the CCS(CCA) Rules, 1965 vide Memo dated 19.8.1997(A/4). The applicant after receiving the said chargesheet immediately moved an application before the disciplinary authority requesting for inspection of some records and documents but the respondents vide their letter dated 13.10.1997 informed the applicant that the information and documents requested for inspection were not relevant to the case and should submit his reply within three days(A/6). Applicant again and again wrote for inspection of relevant documents but he was not permitted.


2.1 The disciplinary authority without giving opportunity of hearing awarded the punishment of penalty of withholding one increment for three months vide letter dated 31.12.1997 (A/9). Being aggrieved by the said order of the disciplinary authority, the applicant preferred an appeal before respondent no. 3 (A/10) which was rejected vide order dated 11.8.1998 (A/11). The applicant, being aggrieved by the said order of the appellate authority, submitted his revision petition before the revisional authority and the revisional authority, without considering the applicant's grounds, rejected the same on 24.12.1999(A/12). Thereafter the applicant filed a review petition which was also rejected by respondent no. 5 vide its order dated 13.9.2000(A/13). Hence, the present O.A. has been filed for seeking the afore-said reliefs.

3. Heard the learned counsel for both the parties.

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4. It is argued on behalf of the applicant that due opportunity of hearing was not afforded to the applicant and he was even not permitted to ^{inspect the} important documents to file a proper and effective reply to the show cause notice, while it was mandatory on the part of the respondents to permit the applicant to inspect the relevant documents for filing the reply to the show cause notice. Learned counsel for the applicant drawn our attention towards several letters written by the applicant to the respondents for inspection of the documents. He was denied inspection of the documents on the ground that the requisitioned documents were not relevant in the matter. He further argued that since he was not given proper opportunity of hearing the impugned orders passed by the respondents are not in accordance with rules and law and deserve to be set aside.

5. In reply, learned counsel for the respondents argued that the applicant could not show the relevancy of the requisitioned documents with the matter but he only wanted to delay the departmental proceedings by one way or the other. There was absolutely no necessity or relevancy to peruse or inspect the requisitioned documents. However, the relevant documents were shown to the applicant which fact is very clear from the certificate of the applicant in this regard which is annexed at Annexure R-3. Hence, it cannot be said that the applicant was not given due opportunity of hearing while despite this he failed to file his defence reply. He further argued that the applicant filed an appeal against the order of the disciplinary authority and revision against the appellate order before the revision authority which was rejected. The applicant also filed a review petition before the respondent no. 5 which was also rejected vide order dated 13.9.2000(A/13). It is further argued that the impugned orders were passed after due consideration of the contentions of the applicant raised in his appeal, revision and review petition and the applicant has only been punished



with a minor penalty of withholding of increment for three months only without cumulative effect.

6. After hearing the learned counsel for both the parties and careful perusal of the record, we find that in view of the charges levelled against the applicant there was no relevancy of inspection of the alleged documents as requisitioned by the applicant. We have also seen annexure R-3 which shows that the relevant documents were however inspected by the applicant. Hence, the applicant was given opportunity of hearing but he himself delayed in filing the reply/representation. We have also gone through the orders passed by the disciplinary authority dated 31.12.1997 (A/9), appellate order dated 11.8.1998 (A-11); revisional authority's order dated 24.12.1999 (A/12) and 13.9.2000 (A/13) which are speaking and reasoned orders. The charges against the applicant are well established and no irregularity and illegality has been committed by the respondents in passing the impugned orders. This is not a case of 'No evidence'. It is the settled position of law that the Tribunals/courts cannot re-appraise the evidence and also cannot go into the quantum of punishment.

7. In view of the above, we find no ground to interfere with the impugned orders passed by the respondents and the O.A. is devoid of merit and deserves to be dismissed. The O.A. is accordingly dismissed. No costs.

(Madan Mohan)
Member (Judicial)

(M.P. Singh)
Vice Chairman

/na/

Issued
on 28.6.04
BS

पृष्ठांकन सं ओ/न्या.....जयपुर, दि.....
प्रतिनिधि अर्थीति
(1) सचिव, राजा शासकलय राजा शासकलय, जयपुर
(2) आवेदक श्री/श्रीमती/कु.....देवप्रसाद
(3) प्रत्यक्षी श्री/श्रीमती/कु.....देवप्रसाद
(4) सचिव, राजा शासकलय राजा शासकलय, जयपुर
सचिव एवं आवेदक राजा शासकलय

y. Dhanu
P. Shankar

Bayamdar
28/6/04