

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
(CAMP OFFICE AT INDORE)

Original Application No.716/2002

Indore, this the 20th day of April, 2004

Hon'ble Shri M.P. Singh - Vice Chairman
Hon'ble Shri Madan Mohan, Member (J)

B.B.Dohare s/o Shri R.K.Dohare,
Aged 53 years, Supervisor,
Head Post Office, Mandsaur (MP).

...Applicant

(By Advocate: None)

-versus-

1. Union of India through
The Secretary,
Postal Services Board,
Dak Bhawan, Sansad Marg,
New Delhi.

2. The Superintendent of Post Offices
Ratlam Division, Ratlam.

...Respondents

(By Advocate: Smt. S.R.Waghmare)

ORDER

By Madan Mohan, Member (J):

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

1) To quash Annexure A/1 and Annexure A/10.

2. The brief facts of the case are that the applicant
was working as I/C Supervisor in Savings Bank Control Organi-
sation at Head Post Office, Ratlam. During his supervision
on checking of S.B. A/c. he found that an account holder
of SB A/c No. 129125 wanted to open an acciount of monthly
Income Scheme so he had given a cheque favouring Post Master
Ratlam for opening new account of monthly income scheme. The
Post Master debited his SB A/c 129125 and credited in a new
monthly income scheme by transfer entry. But Shri S.S.Devda,
A.P.M. has committed forgery by showing that said sum of



Rs. 96000/- was received through agent namely Sh. Radhey Shyam Trivedi for opening said new account as Radhey Shyam received commission of Rs. 960/-. The applicant had brought said serious material discrepancy that A.P.M. Devda has illegally paid commission of Rs. 960/- to the agent. The respondent no. 2 issued a chargesheet to the applicant for directly informing the senior officers by writing D.O. Letter. The chargesheet was issued under Rule 3(i)(ii)(iii) of CCS (Conduct) Rules calling for explanation from the applicant. The applicant demanded two documents from respondent no. 2 but the same were not supplied to him. The applicant filed his reply to the chargesheet but the respondent no. 2 was not satisfied with the reply of the applicant and vide its order dated 24.7.2000(A10) imposed the penalty of stoppage of one increment without cumulative effect for one year.

3. Heard the learned counsel for the respondents. Since none is present on behalf of the applicant and the matter pertains to the year 2002, we propose to dispose of this O.A. by invoking the provisions of Rule 15 of the CAT (Procedure) Rules, 1987.

However, the applicant's counsel has filed the written submission.

4. In the written submission filed by the applicant it is mentioned that the applicant could not file reply to the chargesheet for want of certain documents. It is also mentioned that he was not given the opportunity of hearing which is against the law laid down by the Hon'ble Supreme Court in the case of O.K.Bhardwaj vs. Union of India & Ors., reported in (2001)9 SCC 180.

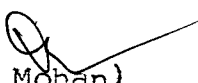
5. It is argued on behalf of the respondents that the applicant was in the habit of writing unnecessary letters to the Higher authorities directly and in this regard he was warned by the S.P.Os Ratlam by letter dated 17.09.1999, 20.1.2000 and 22.3.2000 to the effect that he should not correspond with the higher authorities directly. It is further argued that despite



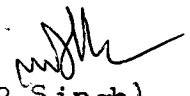
clear instructions and reprimand the applicant vide his letter dated 12.4.2000 wrote directly to Hon'ble Smt, Banerjee, Dak Maha Adhyaksha, Indore. The Regional Dak Mahadhyaksha wrote a letter dated 26.4.2000 directing the S.P.OS Ratlam to take appropriate action against the applicant. She further argued that the applicant was warned several times not to write the letters to the higher authorities directly but he did not care to the said instructions / direction and kept on writing letters to the higher authorities directly which is not permissible under the Conduct Rules. She further argued that the penalty imposed upon the applicant was minor penalty and there was no need to conduct the enquiry. However, the applicant was given opportunity of hearing and the applicant filed his reply to the chargesheet.

6. After hearing the learned counsel for the respondents and perusal of the written submission, we find that the applicant has on one hand stated in his O.A. that he has filed the reply to the chargesheet on the other hand he submitted in the written statement that for want of certain documents he could not file the reply to the chargesheet meaning to say that the applicant has taken contrary stand. We have also seen the material on record and ^{find} found that the applicant was given sufficient opportunity ~~to the applicant~~ before passing the impugned orders and the impugned order is a detailed and reasoned order.

7. In view of the above discussion, we are of the considered view that there are no grounds to interfere with the impugned orders. Moreover, it is the settled legal position that the Tribunals and Courts cannot go into the quantum of punishment. Therefore, the O.A. is bereft of merit and deserves to be dismissed and the same is accordingly dismissed with no order as to the costs.


(Madan Mohan)
Member (J)

/na/


(M.P. Singh)
Vice Chairman