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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.144 of 1998

Jabalpur, this the 6th day of January, 2003

Hon'ble Mr. Justice N.N.Singh-Vice Chairman
Hon'ble Mr.R.K.Upadhyaya-Member(Administrative)

M.P.Singh Rathore S/o Shri Devi Prasad Rathore,
Aged 44 years, Occupation-At present-Public
Relation Inspector of Post Ofice,Morena,
R/o Ram Nagar, Morar,Gwalior (M.P.). - APPLICANT

(By Advocate-Shri S.C.Sharma)

VERSUS

1. The Union of India,Through : The Secretary,
Ministry of Communication, Department of Post,
New Delhi-110001.
2. Member (P) Postal Services Board, Department of
Post, New Delhi-110001.
3. Director, Postal Services, Indore Region, Indore
(M.P.).
4. Superintendent of Post Offices,Chambal Division,
Morena (M.P.). - RESPONDENTS

(By Advocate - Shri P.N.Kelkar)

ORDER

By R.K.Upadhyaya,Member (Admnv.)-

The applicant is aggrieved by the order of punishment dated 5.8.1996 (Annexure-A-12) by which his one increment has been stopped for a period of three years without cumulative effect, pursuant to issue of charge-sheet dated 24/26.6.1996 (Annexure-A-10). He is also aggrieved by rejection of his appeal by order dated 24.1.1997 (Annexure-A-14) by the Post Master General,Indore; and rejection of revision-petition by order dated 16.10.1997 (Annexure-A-16) by the Member, Postal Services Board.

2. It is stated by the applicant that during July,1995 to 19.3.1996 he was working on the post of Postal Assistant, Morena Head Office. As per order of the Post Master,Morena Head Ofice dated 19.3.1996 (Annexure-A-1) the applicant was directed to be relieved for discharging the duties of Sub Post Master,Gopalpura, as per verbal orders of the

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Senior Superintendent of Post Offices, Morena. In pursuance to these orders, the applicant took over charge in the afternoon of the same date i.e. 19.3.1996 of Sub Post Master, Gopalpura as per Annexure-A-2. The applicant has taken charge from one Shri M.M.Katare, Sub Post Master, Gopalpura who was transferred as Naib Post Master, Vijaypur, Morena. The applicant claims that on 20.3.1996 Shri R.V.Gupta came to join as Sub Post Master, Gopalpura in pursuance to order dated 19.3.1996 (Annexure-A-3) in which Shri Gupta was directed to take over charge immediately. A copy of this order was also addressed to Sub Post Master, Gopalpura, Morena. A copy of handing over charge in the afternoon of 20.3.1996 by the applicant to Shri Gupta has been annexed as Annexure-A-4. The applicant further claims that Shri R.V.Gupta had gone to Dimini Sub Post Office in connection with some disciplinary enquiry and came again in the Office of Gopalpura and took over charge from the applicant on 21.3.1996. The applicant handed over the charge to Shri Gupta on 21.3.1996 as per Annexure-A-7 and he joined back his earlier posting at Head Post Office, on the same day. While posted at Head Post Office, Morena the applicant received an order dated 25.3.1996 (Annexure-A-8) issued by respondent no. 4 Superintendent of Post Offices, Chambal Division, Morena by which the applicant was put under suspension. This was followed by a charge-sheet under Rule 16 of Central Civil Services (Classification, Control & Appeal) Rules, 1965 dated 24/26.6.1996 (Annexure-A-10). As per this charge-sheet Shri R.V.Gupta was to deposit Rs.32,490/- on account of DCRG; Rs.29275/- on account of leave encashment; and Rs.43546/- on account of commutation of pension, total amount being Rs.1,05,311/- before he was to take over charge. But, the applicant allowed Shri R.V.Gupta to take over charge of Sub Post Master, Gopalpura without complying this direction on 20.3.1996. By this act, the applicant has violated the

provisions of Rule 3(1)(ii) & (iii) of Central Civil Services (Conduct) Rules, 1964.

2.1 It is stated by the learned counsel of the applicant that the applicant cannot be held guilty of any misconduct inasmuch as he had allowed Shri R.V.Gupta to take over charge in view of order dated 19.3.1996 (Annexure-A-3) by which the Superintendent of Post Offices had directed him to take over charge with immediate effect. A copy of this was also marked to Sub Post Master, Gopalpura where the applicant was temporarily working as Sub Post Master as the regular incumbent Shri M.M.Katare had been transferred as Sub Post Master, Vijaypur. The learned counsel of the applicant contends that there was no order to the applicant to ensure compliance of payment of money by Shri R.V.Gupta before he was allowed to join. It was further submitted by the learned counsel of the applicant that the main violation has been committed by Shri R.V.Gupta to whom no charge-sheet for non-payment has been issued. Therefore, there is discrimination so far as the applicant is concerned. It was also urged by the learned counsel of the applicant that it may be merely an irregularity as the amount had been subsequently paid by Shri R.V.Gupta and there is no loss of revenue to the respondents.

3. The learned counsel of the respondents relied on their reply filed in which it is stated that the applicant was working as Sub Post Master, Gopalpura during the period 19.3.1996 to 21.3.1996. The applicant handed over charge to Shri R.V.Gupta on 20.3.1996 without complying with the directions as contained in the order dated 18.3.1996 (Annexure-A-4). By this order dated 18.3.1996 (Annexure-A-4) Shri R.V.Gupta, who was earlier compulsorily retired as Sub Post Master, was to deposit Rs.32,490/- on account of DCRG; Rs.43546/- on account of commutation of pension; and Rs.29,275/- on account of leave encashment, before taking over the charge. He was also to produce the receipt in the

office of the Superintendent of Post Offices, Morena before taking over the charge. A copy of this order was marked to the Sub Post Master, Gopalpura, Morena also. The learned counsel of the respondents further stated that even order dated 19.3.1996 stated that order dated 18.3.1996 could be referred to and only thereafter it was stated that Shri R.V.Gupta should take over charge immediately. It was, therefore, urged that the applicant cannot plead his ignorance of the order dated 18.3.1996.

4. We have heard the learned counsel of the applicant as well as the learned counsel of the respondents and have also gone through the material available on record carefully.

5. This is a case of minor penalty in pursuance to issue of charge-sheet under Rule 16 of CCS(CCA)Rules, 1965. The plea of the applicant is that he was not expected to ensure compliance of the order dated 18.3.1996 by which Shri R.V.Gupta was required to deposit money before joining duties. In our opinion, the applicant cannot plead ignorance inasmuch as in para 6.7 of the O.A. the applicant has admitted that "on 20.3.1996 Shri R.V.Gupta met with the applicant and shown the orders contained in Annexures A/3 and A/4 to the applicant. Applicant immediately got him joined and handed over the charge to Shri R.V.Gupta". A reference to Annexure-A-3 shows that ^{is} this the letter addressed to Shri R.V.Gupta in which reference to the order dated 18.3.1996 has been made and he has been asked to join as Naib Post Master, Gopalpura. A copy of this has also been endorsed to the Sub Post Master, Gopalpura. Annexure-A-4 is the order of the Superintendent of Post Offices, Morena dated 18.3.1996 in which it has been categorically stated that Shri R.V.Gupta had to deposit the amounts of DCRG, commutated value of pension and leave encashment before he joins his duties at Gopalpura. From the perusal of the pleadings of the



applicant as well as contents of Annexures-A-3 and A-4 there is no doubt that the applicant was aware of the fact that Shri R.V.Gupta was to deposit money before he took over charge as Sub Post Master, Gopalpura. If the applicant thought otherwise, it amounts to certainly misconduct on his part for which a lenient punishment of withholding of one increment without cumulative effect has been awarded. In our opinion, the misconduct having been established as well as admitted by the applicant, as is evident from the pleadings in the O.A., there is no scope for any interference by this Tribunal.

6. In the result, this Original Application is dismissed being devoid of any merits without any order as to costs.

R.K.Upadhyaya

(R.K.Upadhyaya)
Member (Admnv.)

N.N.Singh

(N.N.Singh)
Vice Chairman

rkvs

पृष्ठांकन सं ओ/व्या.....
पत्रिलिपि अवश्य दिए
(1) सदिक, उपर्युक्त विवरण दिए
(2) अवश्य अपनी विवरण का लिप्ति दिए
(3) अवश्य अपनी विवरण का लिप्ति दिए
(4) अवश्य अपनी विवरण का लिप्ति दिए

Adel.
SC Sharma, Adel.
SC Singh, Adel.

Deputy Secretary
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