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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH.
CIRCUIT COURT SITTING AT BILASPUR (CHHATTISGARH)

Original Application No. 203 of 1998

Bilaspur, this the 25th day of September, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Lakhanlal Sahu, S/o. Shri Latel
Sahu, Age about 55 years, Ex.
EDBPM Birkeni (Mahasamund),
Presently : C/o. Lily Convent
School, Rajatalab, Raipur.

... Applicant

(By Advocate Sri S.T.H. Rizvi)

V e r s u s

1. Union of India, represented through
Secretary, Deptt. of Communications,
Govt. of India, New Delhi.
2. Chief Postmaster General,
M.P. Circle, Bhopal.
3. Director of Postal Services,
O/O Postmaster General,
Raipur Region, Raipur.
4. Sr. Superintendent of Post Offices,
Raipur Dn. Raipur.
5. Shri B.P. Pandey, Enquiry Officer,
& Sub Divisional Inspector,
Raipur.

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R (Oral)

Justice V.S. Aggarwal -

The admitted facts can conveniently be allineated. The applicant was appointed as EDBPM, Birkeni. He has been working as such since 22.1.1967. He applied for voluntary retirement and gave the necessary notice on 29.9.1993. It was a three months' notice. The applicant had not been granted any permission and still contested election for being a Member Legislative Assembly on 27.11.1993. The applicant had withdrawn his letter seeking voluntary retirement on 29.11.1993. A charge sheet had been served

As Ag

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on the applicant primarily on the ground that he contested the election without the permission of the appropriate authority. Thereupon penalty of dismissal from the post has been inflicted.

2. By virtue of the present application, the applicant assails the said orders so passed.

3. The petition has been contested.

4. The learned counsel of the applicant argued that - (a) the applicant had withdrawn his letter seeking voluntary retirement before the three months' notice period and, therefore, he would continue to be holding a civil post; (b) the applicant had been directed by the Senior Superintendent of Post Offices to rejoin the duty; and (c) the penalty awarded is disproportionate to the alleged dereliction of duty.

5. We have carefully considered the said submissions. In the peculiar facts it become unnecessary for us to separately deal with the said contentions, particularly of arguments (a) and (b) referred to above. This is for the reason that the charge-sheet had been served to the applicant obviously taking him that he is holding a civil post. It was on the ground that he contested the election without permission of the appropriate authority. This fact is established from the fact that the elections were on 27th November, 1993 while the applicant had only chosen to withdraw the letter seeking voluntary retirement two days thereafter. Thus, the facts are established that while the applicant was holding a civil post, he contested the election. In this regard and on these admitted facts itself, the facts alleged by the department in the disciplinary proceedings would stand proved.


As Ag e


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6. As regards the last contention that the penalty awarded is unconscionable, we have no hesitation in rejecting the same. This is a fact which falls within the domain of the concerned authority. Only in rare cases where conscience^{ence} of the Tribunal is shocked, it would interfere.

7. In the present case keeping in view the nature of the act that the applicant has chosen to contest the election and take part therein without permission, we are of the concerned opinion that there is no scope for interference.

8. Resultantly, OA being devoid of any merit fails and is dismissed.


(Anand Kumar Bhatt)
Administrative Member


(V.S. Aggarwal)
Chairman

rkv.

पृष्ठकल सं ओ/व्या.....जबलपुर, दि.....

उपस्थिति अन्वेषित:-

(1) सचिव, राज्य सरकार, जबलपुर

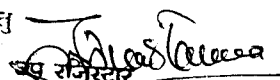
(2) सचिव, राज्य सरकार, जबलपुर

(3) सचिव, राज्य सरकार, जबलपुर

(4) सचिव, राज्य सरकार, जबलपुर

राज्य एवं संघ लोक सेवा आयोग के कार्यालय में

ST.H. Rizvi Adv Raipur
SA Sharma Adv Raipur


6/10/03

Forwarded
7/10/03