

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, INDORE

O.A. No. 865/1998

Tuesday, this the 18th day of February, 2003

Hon'ble Shri Justice N. N. Singh, Vice Chairman (J)
Hon'ble Shri Govindan S. Tampi, Member (A)

Omprakash s/o Jagannathprasad Gour
Age 45 years, Postal Assistant
Guna Head Office, R/O Head Post
Office Complex, Guna – 473 001

Applicant

(By Advocate: Shri D.M.Kulkarni)

Versus

1. Union of India through Member (P)
Ministry of Communication,
Department of Posts, New Delhi – 110 001
2. Postmaster General, Western Region
Indore – 452 001
3. Superintendent of Post Offices
Guna Division, Guna – 473 001

..Respondents

(By Advocates: S/Shri Y.I. Mehta, Senior Advocate with H.Y. Mehta)

ORDER (ORAL)

Shri Govindan S. Tampi:

Heard both the learned counsel. The case was taken up as the learned counsel for the applicant submitted that he did not want to file any rejoinder and he was ready for arguments.

2. This is a case where by the impugned order dated 15.4.1996 the applicant has been imposed the penalties of recovery of Rs.9000/- in thirty

installments of Rs.300/- each and withholding of one increment for a period of two years without cumulative effect. The same had been upheld in appeal on 26.12.1996 and in revision on 27.2.1998. The imposition of penalty had followed initiation of the disciplinary proceedings against the applicant, who was working as Postal Assistant, following the loss of National Saving Certificates, Indira Vikas Patras, etc. After the applicant had denied the charge-sheet, inquiry proceedings have been gone through and on the basis of the inquiry officer's report, which was accepted, penalties were imposed.

3. Learned counsel for the applicant submits that the applicant has submitted a representation dated 22.8.1995 in response to Memo dated 21.7.1995 giving explanation. The respondents stated that the applicant has made illogical arguments in the representation dated 22.8.1995, which could not have been accepted. The applicant also states that he has been imposed double penalties.

4. On the other hand, learned counsel for the respondents indicates that as this is a case where the Govt. security papers have been lost by the official, Department had to take action against him and after going through the proceedings, they have done the same, which cannot be questioned.

5. We have carefully considered the matter and we find that in the circumstances of the case and on the basis of facts brought out, the penal action taken by the respondents cannot be questioned. However, we find that for the act of the single misconduct, two penalties have been imposed upon

him. In terms of Rule 11 of the CCS (CCA) Rules, 1965, the two penalties, which have been imposed, fall under sub-rule (iii) and sub-rule (iv). The disciplinary authority could not have imposed both the penalties, which are alternative in nature for the same act of alleged misconduct. On this account itself, the impugned order is vitiated and is liable to be quashed and set aside.

6. In this view of the matter, the OA succeeds partially and is accordingly disposed of. The impugned orders are quashed and set aside and the matter is remanded back to the disciplinary authority with direction to impose on the applicant only one of the penalties, which is permissible in accordance with law. No costs.

(Goyindan S. Tampi)
M (A)

/supil/

(N. N. Singh)
VC (J)

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....

संकेतित/न्या.....

(1)जबलपुर

(2)के काउंसल

(3)के काउंसल

(4)की

सूचना एवं अवसर का उपयोग हेतु

उप राजस्व

D. M. Kulkarni Adl
234, Saket Nagar
Gandhinagar (M. D.)

mehta. Andore

4/8/03

Issued
On 6.3.03
BS