

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 24.09.2013

OA No. 473/2013

Mr. S.K. Jain, counsel for applicant.
Mr. Mukesh Agarwal, counsel for respondents.

Heard learned counsel for the parties.

O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.

Anil Kumar
(ANIL KUMAR)
ADMINISTRATIVE MEMBER

u
(DR. K.B. SURESH)
JUDICIAL MEMBER

Kumawat

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 473/2013

DATE OF ORDER: 24.09.2013

CORAM

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER**

B.S. Meena S/o Shri P.S. Meena, aged 58 years, R/o 346-47 Kataria Sadan, Kamala Nehru Nagar, Hasanpura, Jaipur, Ex-Superintendent (CSD) Postal Department, Jaipur.

...Applicant

Mr. S.K. Jain, counsel for applicant.

VERSUS

1. Union of India through Secretary, Ministry of Communication and IT, Dak Bhawan, Sansad Marg, New Delhi.
2. Director General Postal Services, New Delhi.
3. Director Postal Services Rajasthan Western Region, Jodhpur.

...Respondents

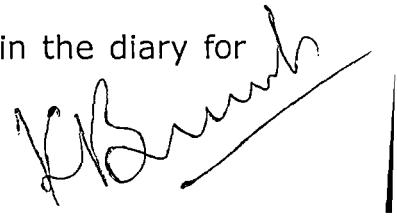
Mr. Mukesh Agarwal, counsel for respondents.

ORDER

(Per DR. K.B. SURESH, JUDICIAL MEMBER)

Heard the matter in great detail.

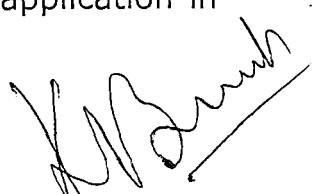
2. The matter is in a short compass. Three charges were alleged against the applicant. The first one relates to, according to the learned counsel for the respondents, showing gross negligence on the part of the applicant. Apparently, a sum of Rs. 17 lakh odd had been misappropriated by another employee, which the respondents feel, it would have been preventable had the applicant done his work correctly. The second charge and third charge are relatively minor charges, which have no nexus and reliable relevance to the issues at all. The charge is related to a Sub Post Office visit, which were not noted in the diary for



which another vague explanation is given by the applicant but both is not of any moment but the respondents shall remember that fair governance must follow a path of and sincerity and elements of specificity should be maintained and not of vagueness. The vagueness of the charges therefore needlessly enhances the prejudice on the concerned officer, which makes it difficult for application of mind at all levels.

3. The applicant relies on a circular issued by the concerned authority vide DO No. C-14016/60/2006-VP dated 12.04.2012.

4. It shall be noted by the respondents that negligence as such shall not be a reason sufficient for severity of punishment. The cumulative conduct of the person and the nature of the offence and the private gains made by the concerned official are all to be considered while imposing the punishment. Therefore, while we *prima facie* thought that the punishment imposed seems to be not warranted by the findings of the enquiry and even the allegations. We also have found that the applicant has not utilized the remedy of appeal. Therefore, we leave the matrix open for further discussion in the appeal. If the applicant has not filed the appeal so far, we grant him one month's time to do so. Thereafter, within the next one month, the respondents shall pass a reasoned and speaking order from the date of receipt of a copy of this order, and if necessary impose a punishment which shall be in compliance of the principle of natural justice and commensurate with the offence committed by the official, which is adequately proven. It may have to be noted that the notion of vicarious responsibility has no application in penalty.



5. It is made clear that if the applicant has already filed appeal, a decision thereof shall be taken expeditiously as possible but in any case not later than a period of one month from today.

6. Therefore, the Original Application is disposed of with the above directions. No order as to costs.

Anil Kumar
(ANIL KUMAR)
ADMINISTRATIVE MEMBER

K.B. Suresh
(DR. K.B. SURESH)
JUDICIAL MEMBER

kumawat