

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
Order reserved on: 24.02.2015

**ORIGINAL APPLICATION NO. 060/00430 of 2014
Chandigarh, this the 25th day of February, 2015**

...
**CORAM: HON'BLE MS. RAJWANT SANDHU, MEMBER (A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J)**

...
Naranjan Singh son of late Shri Surinder Singh, Asstt. Postmaster
(Retd.), B-5, MCH/379/1, Ajit Nagar, Aslamabad, Hoshiarpur.

...APPLICANT

BY ADVOCATE: SHRI MADAN MOHAN

VERSUS

1. Union of India through the Secretary, Ministry of Communications and I.T., Department of Posts, New Delhi.
2. Postmaster-General, Punjab Circle, Sector 17, Chandigarh.
3. Director, Postal Services, Punjab Region, Sector 17, Chandigarh.
4. Senior Superintendent, Post Offices, Hoshiarpur.
5. Senior Postmaster, Hoshiarpur.
6. Shri Charan Dass, Deputy Postmaster (Retd.), Hoshiarpur, behind Gurudwara Singh Sabha, Aslamabad, Hoshiarpur.

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(now retired; therefore, to be served through Respondent no. 5).

...RESPONDENTS

BY ADVOCATE: SHRI A.L. VOHRA

ORDER

...

HON'BLE DR. BRAHM A. AGRAWAL, MEMBER(J):-

The applicant, who superannuated on 31.08.2013 from the post of Asst. Postmaster, had been issued only a day before, i.e., on 30.08.2013 a charge sheet (Annexure A-1). The controversy before us is in regard to the competence of the authority, who issued the charge sheet. The charge sheet under Rule 14 of the CCS (CCA) Rules 1965 was issued by Sr. Postmaster empowered to impose a minor penalty only and admittedly did not have approval of the competent disciplinary authority empowered to impose a major penalty.

2. We have heard the learned counsel for the parties, perused the pleadings and the rulings cited by them, and given our thoughtful consideration to the matter.

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3. The learned counsel for the applicant relies on the judgment of the Hon'ble Supreme Court in *Union of India and Others Vs. V.B. Gopinath* [2014 (1) RSJ 591]. Per contra, the learned counsel for the respondents relies on rule 13 (2) of the CCS (CCA) Rules 1965 as well as the judgment of the Hon'ble Supreme Court in *Secretary, Ministry of Defence and Others Vs. Prabhash Chandra Mirdha* [(2012) 11 SCC 565].

4. According to the learned counsel for the respondents, a charge sheet for a major penalty can be issued even by a disciplinary authority empowered to impose only a minor penalty under rule 13 (2). However, the charge memo in the instant case was issued under rule 14, as mentioned therein and the judgment of the Hon'ble Supreme Court in *V.B. Gopinath* specifically deals with the scope of rule 14 and lays down the proposition that a charge memo having not been approved by the competent disciplinary authority is non est in the eye of law.

5. In the aforesaid view of the matter, the O.A. deserves to succeed. Therefore, as prayed for, Annexure A-1 (charge sheet), Annexure A-2 (denial of gratuity, etc.), Annexure A-3 (appointment of I.O.) and Annexure A-4 (appointment of P.O.) are quashed and

the respondents are directed to pay within one month from the date of receipt of a copy of this Order full retiral dues legally admissible to the applicant along with interest @ 9% p.a. for the period of delay in payment.

6. The O.A. is allowed accordingly. No order as to costs.

B. A. AgSawal
(DR. BRAHM A. AGRAWAL)
MEMBER(J)

R. Sandhu
(RAJWANT SANDHU)
MEMBER(A)

Dated: 25.02.2015
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