

**CENTRAL ADMINISTRATIVE TRIBUNAL,
CHANDIGARH BENCH,
CHANDIGARH.**

O.A.No.060/00145/2014

Decided on : 24.02.2015

**CORAM: HON'BLE MRS. RAJWANT SANDHU, ADMINISTRATIVE MEMBER
HON'BLE DR. BRAHM A. AGRAWAL, JUDICIAL MEMBER**

Vijay Swarup Asuri, aged 49 years S/o Sh. Shyam Swarup, Postman,
Panipat.

Applicant

Versus

1. Union of India, through the Secretary to Govt. of India, Ministry of Communications & Information Technology, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Director General (Post), Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
3. Chief Post Master General, Haryana Circle, Ambala.
4. Senior Superintendent of Post Offices, Karnal Division, Karnal.
5. Postmaster, Head Office, Panipat.
6. Sh. Suraj Bhan Malhotra, Senior Superintendent of Post Offices (Retd.), Karnal Division, Karnal.
7. Shri Darshan Lal, Postmaster (Retd.), Head Office, Panipat.

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Respondents

Present: Mr. R.K.Sharma, counsel for the applicant
Mr. K.K.Thakur, counsel for the respondents

ORDER

HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)

1. This Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:-

As per

"8 (i) Quash Memorandum No.B-3/Vijay Swaroop Asuri/Rule-16/Decision-2/dated 02.03.2012 (Annexure A-1), passed by respondent no.5 / 7 whereby a penalty of stoppage of next one increment for six months was imposed on the applicant.

(ii) Quash Order No.Staff/164-2/Karnal/2011 dated 05.12.2013 (Annexure A-2), passed by respondent no.3 whereby representation preferred by the applicant against the orders of respondent no.5/7 dated 02.03.2012 was rejected.

(iii) Quash Order No.R&E/3-2/2011 dated 07.

2. Written statement has been filed on behalf of the respondents wherein it has been stated that the applicant was proceeded against under Rule -16 of CCS (CCA) Rules, 1965 vide Post Master Panipat Memo No. B-3/Vijay Swarup Asuri/Panipat/10-11 and was awarded with the punishment of stoppage of next increment for six months without cumulative effect vide Post Master Panipat HO memo dated 2.3.2012 (Annexure A-1). It is further stated that the penalty imposed upon the applicant is proportionate to the gravity of charge levelled and proved against the applicant on the basis of evidence on record. The same cannot be termed to be shocking to the conscience of this Tribunal and as such is liable to be upheld. There is no procedural lapse or irregularity in the conduct of the enquiry against the applicant. The applicant has been given full opportunity to defend himself. However, he has failed to prove his innocence. There is enough material / evidence on record on the basis of which the charge has been proved against the applicant. The same is not subject to judicial review as no prejudice has been caused to the applicant.

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3. It is further stated that from the nature of pleadings of the applicant, it is clear that he is seeking that the Tribunal act as an Appellate Authority in the matter relating to the penalty imposed on him which is not permissible and hence the OA deserves to be dismissed.

4. When the matter came up for consideration, Shri R.K. Sharma, learned counsel for the applicant stated that vide Annexure A-2, the representation against punishment orders imposed on the applicant was rejected conveying that no appeal or petition against punishment order of Post Master Panipat ज्ञापन संख्या बी-3/विजय स्वरूप आसुरी नियम-16/11-12/निर्णय-2 दिनांक 02.03.2012 had been preferred by the applicant to avail the remedies available to him under the CCS (CCA) Rules, 1965. Learned counsel stated that the appeal against the punishment order dated 02.03.2012 had not been considered on merit but had been rejected on technical grounds and he would withdraw the present OA, if the applicant could be allowed time to file an appeal against the order dated 02.03.2012 and the respondents directed to decide the same within the prescribed period without raising the issue of limitation.

5. Shri K.K.Thakur, learned counsel for the respondents does not object to the submission made by the learned counsel for the applicant.

6. Considering the ad idem between the parties, this OA is disposed of as withdrawn with liberty to the applicant to file his appeal

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against the order dated 02.03.2012 as per the CCS (CCA) Rules, 1965 within a period of 15 days from the issue of this order and the respondents are directed to decide the same on merits within the prescribed period as per the rules without taking into account, the delay in filing the appeal.

7. The OA is disposed of accordingly. Needless to say, we have not expressed any view regarding the merits of the claim of the applicant in this OA. No costs.

**(RAJWANT SANDHU)
ADMINISTRATIVE MEMBER.**

**(DR. BRAHM A. AGRAWAL)
JUDICIAL MEMBER**

Place: Chandigarh
Dated: 24.02.2015.

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