

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
Order reserved on: 01.09. 2015

**ORIGINAL APPLICATION NO. 060/00861/2014
Chandigarh, this the 3rd day of September, 2015**

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

...
Harbhajan Singh son of Shri Bagga Singh, aged about 49 years, resident of VPO Ferozabad, Tehsil Ranian, District Sirsa, Ex. GDS, BPM, Ferozabad.

...APPLICANT
BY ADVOCATE: SHRI KULDEEP KHANDELWAL

VERSUS

1. Union of India through its Secretary, Ministry of Communications & I.T., Department of Posts, New Delhi.
2. Chief Postmaster General, Haryana Circle, Ambala.
3. Director Postal Services, Haryana Circle, Ambala.
4. Superintendent of Post Offices, Hisar Division, Hisar.

...RESPONDENTS
BY ADVOCATE: SHRI B.B. SHARMA

ORDER

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

The applicant, a GDSBPM, suffered departmental action under the GDS (Conduct and Employment) Rules 2001 and was visited

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with the penalty of removal from service, vide the disciplinary authority's order dated 11.06.2012 (Annexure A-5). His appeal and revision petition were rejected by the appellate authority's order dated 16.11.2012 (Annexure A-6) and the revisional authority's order dated 11.02.2014 (Annexure A-7), respectively. Through the instant O.A., the applicant prays that the said orders be quashed.

2. The Statement of articles of charge framed against the applicant reads as under:

"Article-I

That the said Sh. Harbhajan Singh while working as GDSBPM Firojabad in account with Sirsa HO during the period 07.03.1995 to 15.10.2007 is alleged to have fraudulently shown as paid the pay & allowances of Smt. Chameli Devi EDR Firojabad woth Rs. 2521/- by forging signature of Smt. Chameli Devi on 29.09.2007 on A Roll No. 39 (B-5/10-2007) as well as in BO Daily Account of Firojabad BO. But the said amount of Rs. 2521/- plus the amount of Rs. 4231/- as the allowances of Sh. Harbhajan Singh himself total Rs. 6752/- was nowhere shown as paid under the Head Bills paid in BO Account of Firojabad BO. Thus the said Sh. Harbhajan Singh GDS BPM Firojabad is alleged to have violated the provisions of Rule 124 of Rules for Branch Offices and by doing so the said Sh. Harbhajan Singh GDS BPM Firojabad is alleged to have failed to maintain absolute integrity and devotion to duty thereby violated the provisions of Rule 21 of GDS (Conduct & Employment) Rules 2001.

Article-II

That the said Sh. Harbhajan Singh while working as such during the aforesaid period is alleged to have absented himself from his duty without any information/permission and granting of leave from the competent authority for the period



01.10.2007 to 11.10.2007 which resulted into non receipt of due BO bags from Firojabad BO to Sirsa HO. Thus the said Sh. Harbhajan Singh GDSBPM Firojabad is alleged to have violated the provisions of Rule-7 of GDS (Conduct & Employment) Rules 2001 and by doing so he is alleged to have failed to maintain absolute integrity and devotion to duty thereby violated the provisions of Rule 21 of GDS (Conduct & Employment) Rules 2001."

3. We have heard the learned counsel for the parties, perused the pleadings and the rulings cited by the applicant's counsel at the Bar, and given our thoughtful consideration to the matter.

4. It is well-settled by a catena of judgments that the scope of judicial review in disciplinary proceedings is limited; judicial review is not akin to adjudication on merits by re-appreciating evidence as an appellate authority; judicial review is directed against the process of making the decision and not against the decision itself and court/tribunal cannot arrive at its own independent finding. Punishment also can be interfered with only if the same shocks the conscience as to its proportionality. We may in this connection refer to the judgments of the Hon'ble Supreme Court in **Deputy Commissioner, K.V.S. Vs. J. Hussain** [2013 (12) SCALE 416] and **S.R. Tewari Vs. UOI** [2013 (7) SCALE 417].

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5. We do not find any infirmity in the process involved in the disciplinary proceedings held against the applicant or any prejudice having been caused to him during the course thereof. Therefore, there appears no ground to interfere with the impugned disciplinary action, including the quantum of punishment.

6. Accordingly, we are of the view that the O.A. is devoid of merits and is, therefore, dismissed. No order as to costs.

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

(RAJWANT SANDHU)
MEMBER(A)

Dated: 03 .09.2015
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