

**Central Administrative Tribunal
Madras Bench**

OA/310/01453/2016

Dated Thursday the 30th day of August Two Thousand Eighteen

P R E S E N T

Hon'ble Mr. R.Ramanujam, Member(A)

&

Hon'ble Mr.P.Madhavan, Member(J)

N.Ramar
S/o S.Narayanapillai,
5-35-6, Kamarajar Nagar,
Aruppukkottai,
Virudunagar Dist.-626 101. .. Applicant
By Advocate **M/s.J.James**

Vs.

1. Union of India, rep by the
Director General,
M/o Communications & I.T.,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi 110 001.
2. Assistant Director General (Vig.II),
M/o Communications & I.T.,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi 110 001.
3. The Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai, Chennai 600 002.
4. The Postmaster General,
Southern Region (TN),
Madurai 625 002. .. Respondents

By Advocate **Mr.J.Vasu**

ORAL ORDER

(Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. The applicant has filed this OA seeking the following reliefs:-

“i) to call for the records of the 2nd respondent pertaining to his order dated 06.4.2016 issued under Rule 14 of CCS (CCA) Rules, 1965 which is made in F.No.21-04/2014-Vig. And set aside the same; consequent to

ii) direct the respondents to pay interest on the delayed payment of the benefits to the applicant with normal interest; and

iii) to pass such further or other orders as this Tribunal may deem fit and proper.”

2. It is submitted that the applicant is aggrieved by Annexure A15 impugned order dated 06.4.2016 imposing on him a penalty of withholding 10% of his monthly pension for a period of one year on the ground that it was proved beyond doubt that he had acted in gross negligence by dropping the disciplinary proceedings against one Shri S.Subramanian, Retired Postal Assistant, Sankarankovil HO by exercising powers which were not vested in him. It was alleged that the said Subramanian was identified as one of the main offenders in a case of fraud and proceeded against under Rule 14 of the CCS (CCA) Rules, 1965 by a Memo dated 29.2.2016. Subsequently, following the retirement of the charged official on 30.6.2014, the proceedings continued under Rule 9 of the CCS (Pension) Rules, 1972. However, the applicant herein, instead of forwarding the disciplinary case alongwith with the findings to the

President, dropped the disciplinary case against the said S.Subramanian at his own level by a Memo dated 31.3.2009 without authority and without assigning any reasons.

3. Learned counsel for the applicant would argue that the applicant was right in dropping charges as the charged official S.Subramanian was exonerated by the Hon'ble High Court subsequently in the alleged case of fraud.

4. Learned counsel for the respondents would submit that the argument that the charged officer was exonerated by the Hon'ble High Court is irrelevant to the main charge against the applicant that he exceeded his authority which stood proved in the enquiry. The applicant deserved the penalty imposed on him on this count alone. However, the gravity of the misconduct was compounded by the fact that the dropping of charges by the applicant against the charged official helped the latter to be exonerated by the Hon'ble High Court as the Hon'ble High Court quashed the criminal proceedings against the applicant on the ground that disciplinary proceedings had been dropped. As such the applicant was guilty of much more than an innocent act of negligence. A penalty of withholding of 10% of the monthly pension for a period of one year only is too mild to make out a case for interference by the Tribunal, it is contended.

5. We have considered the facts of the case. It is not in dispute that the applicant exceeded his authority by dropping the charges against a person accused in a case of

fraud. No provision of rule or 'delegation of powers' issued by the respondent authority is shown to contend that the applicant had the authority to drop the charges at his level. We find no procedural irregularity or legal infirmity in the impugned order.

6. OA must fail, being utterly devoid of merits and is accordingly dismissed.

(P.Madhavan)
Member(J)

30.8.2018

(R.Ramanujam)
Member(A)

/G/