

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00678/2015

Dated Wednesday the 1st day of August Two Thousand Eighteen

PRESENT

**HON'BLE MR. R. RAMANUJAM, Member (A)
&
HON'BLE MR. P. MADHAVAN, Member (J)**

G.Shoba,
H.R.O. Accounts,
Chennai Sorting Division,
Dept of Posts,
Egmore, Chennai 600008.Applicant

By Advocate M/s. D. J. Adinarayanan

Vs

1. The Union of India,
rep by Secretary to Government,
Ministry of Communication &
Information Technology (IT), New Delhi.
2. The Chief Postmaster General,
Tamil Nadu Circle, Anna Salai,
Chennai 600002.
3. The Director of Postal Services,
(Mails & Business Development),
4th Floor, Anna Salai,
Head Post Office, Chennai 600002.
4. The Superintendent of RMS,
Chennai Sorting Division,
Department of Posts,
Egmore, Chennai 600008.Respondents

By Advocate Mr. J. Vasu

ORAL ORDER

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

Heard. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following relief :

"To call for the records of the 3rd respondent in relation to his appellate order passed in Memo No. VIG/13-27/12-13 dt. 16.04.2014 and connected 4th respondent, original order passed in memo No. B5/Rule-16/G-5 dt. 30.05.2012 and quash the same as contrary to law and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper and thus render justice."

2. It submitted that a charge memo was issued against the applicant and after an inquiry, she had been imposed with a penalty of censure. It is alleged that the charges were not proved in the inquiry and, therefore, the penalty imposed on the applicant merely on grounds of "absenteeism" was not in accordance with the relevant rules.

3. Learned counsel for respondents would submit that the applicant was covered mandatorily by the CGHS scheme as she resided in a CGHS area. In order to avoid being referred to CGHS, she deliberately kept herself out of the scheme and had not been contributing her mandatory subscription. She had been absent in defiance of the orders of the superior authority on alleged medical grounds without producing satisfactory medical certificates. Often, important work of the respondents such as preparation of pay bills of staff, etc., was held up on account of the absence of the employee. The inquiry officer clearly held that the charge of absence from 17.08.2011 to 20.08.2011 had been established. Inspite of such report,

since the applicant admitted to being absent on account of illness, a liberal view was taken and only a penalty of censure was imposed on the applicant which by no means could be regarded disproportionate to the gravity of the charge against the applicant. Accordingly, it is submitted that the OA is liable to be dismissed.

4. We have considered the facts of the case. It is not in dispute that the applicant had absented herself from service from 17.08.2011 to 20.08.2011 albeit allegedly due to illness. The competent authority had considered her case and taking an allegedly lenient view, had imposed a penalty of censure on the applicant. The applicant made an appeal to the 3rd respondent which, however, was rejected. It appears that the general conduct of the applicant had a bearing on the outcome as a mere one time unauthorised absence on account of illness might not, otherwise invite a formal penalty through disciplinary proceedings.

5. Since the penalty is not so disproportionate to the gravity of misconduct as to shock the conscience of the Court, we are not inclined to interfere in this case. It is entirely for the respondents to consider if in terms of the subsequent behaviour and regularity in attendance of the applicant, they could review the order of censure and withdraw the same if

the reasons for her frequent absence during the period in question were genuine and beyond her control.

6. We dispose of the OA with aforesaid observations.

(P. Madhavan)
Member(J)

(R.Ramanujam)
Member(A)

01.08.2018

SKSI