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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

...

OA NO. 290/00362/2016

THIS, THE 5TH DAY OF
JANUARY, 2018

...

CORAM: HON'BLE MR. PRASANNA KUMAR PRADHAN, MEMBER (A)
HON'BLE MR. SURESH KUMAR MONGA, MEMBER(O)

...

GIRDHARI LAL CHAUDHARY S/O SHRI TEJA RAM, AGED ABOUT 54 YEARS,
R/O SHASTRI NAGAR, SHIVKAR MARG, BARMER, DISTRICT BARMER.
(OFFICIAL ADDRESS:- WORKED AS POSTAL ASSISTANT, JAISALMER HO
...APPLICANT

BY ADVOCATE : MR. S.P.SINGH

VERSUS

1. UNION OF INDIA THROUGH THE SECRETARY, GOVERNMENT OF INDIA,
MINISTRY OF COMMUNICATION, DEPARTMENT OF POST, DAK TAR
BHAWAN, NEW DELHI.
2. THE CHIEF POSTMASTER GENERAL, RAJASTHAN CIRCLE, JAIPUR
3. POSTMASTER GENERAL, RAJASTHAN WESTERN REGION, JODHPUR
4. DIRECTOR, POSTAL SERVICES, RAJASTHAN WESTERN REGION, JODHPUR.
5. SENIOR SUPERINTENDENT OF POST OFFICES, JODHPUR DIVISION,
JODHPUR
6. SUPERINTENDENT OF POST OFFICES, BARMER DIVISION, BARMER.
....RESPONDENTS

BY ADVOCATE: MR. K.S.YADAV

ORDER (ORAL)

...

PER SURESH KUMAR MONGA:

THE APPLICANT HEREIN WAS SERVED WITH A CHARGESHEET
DATED 24.11.2010 UNDER RULE 14 OF THE CCS (CCA) RULES, 1965. HE DENIED
THE CHARGES AND, THEREFORE, INQUIRY OFFICER WAS APPOINTED TO
HOLD A REGULAR INQUIRY AGAINST HIM. THE CHARGES FRAMED
AGAINST THE APPLICANT WERE PROVED AND THE INQUIRY OFFICER
SUBMITTED THE INQUIRY REPORT ANN.A/9. THE APPLICANT WAS GIVEN
AN OPPORTUNITY TO FILE REPRESENTATION AGAINST THE SAID INQUIRY
REPORT AND AFTER CONSIDERING THE SAID REPRESENTATION, THE

DISCIPLINARY AUTHORITY PASSED AN ORDER DATED 27.10.2015 (ANN.A/2) INFILCTING A PENALTY OF REDUCTION OF APPLICANT'S PAY BY TWO STAGES FOR A PERIOD OF THREE YEARS W.E.F. 1.10.2015. THE APPLICANT DID NOT PREFER ANY APPEAL AGAINST THE SAID ORDER. HOWEVER, THE APPELLATE AUTHORITY WHILE INVOKING ITS POWERS UNDER RULE 29 OF THE CCS (CCA) RULES, 1965, PROPOSED TO ENHANCE THE PENALTY INFILCTED UPON THE APPLICANT AND, THEREFORE, ISSUED A MEMO DATED 5.7.2016 (ANN.A/1). AGGRIEVED BY THE SAID MEMO DATED 5.7.2016 (ANN.A/1), THE APPLICANT HEREIN HAS INVOKED THE JURISDICTION OF THIS TRIBUNAL U/S 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985.

2. TODAY, DURING THE COURSE OF HEARING, THE LEARNED COUNSEL FOR THE RESPONDENTS POINTED OUT THAT PURSUANT TO MEMO DATED 5.7.2016 (ANN.A/1), THE APPELLATE AUTHORITY HAS ALREADY PASSED AN ORDER DATED 13.12.2017 WHILE EXERCISING ITS POWERS UNDER RULE 29 OF CCS (CCA) RULES, 1965 AND HAS ENHANCED THE PUNISHMENT AWARDED TO THE APPLICANT BY THE SSPO, JODHPUR VIDE MEMO DATED 27.10.2015. HE FURTHER POINTED OUT THAT THE APPLICANT HAS ALSO PREFERRED A REVISION PETITION AGAINST THE SAID ORDER, WHICH IS PENDING CONSIDERATION BEFORE THE COMPETENT AUTHORITY. THE SAID FACTUAL ASPECT WITH REGARD TO THE ORDER DATED 13.12.2017 AND FILING OF THE REVISION PETITION AGAINST THE SAME HAS NOT BEEN DISPUTED BY THE LEARNED COUNSEL FOR THE APPLICANT.

3. IN THE AFORESAID CIRCUMSTANCES, THE INSTANT OA IS RENDERED INFRACTUOUS AND, THEREFORE, THE SAME IS DISMISSED ACCORDINGLY. HOWEVER, THERE SHALL BE NO ORDER AS TO COSTS.

(SURESH KUMAR MONGA)
MEMBER (J)

(PRASANNA KUMAR PRADHAN)
MEMBER (A)

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