

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00035/2018

DATED THIS THE 14TH DAY OF NOVEMBER, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C V SANKAR, MEMBER (A)

M. Selvakumar,
S/o Muniswamy
Age: 53 years,
Was working as a Postman,
Chamarajpet HO,
Bangalore – 560 018Applicant

(By Advocate Shri M.R. Achar)

Vs.

1. The Senior Superintendent,
Bangalore South Division,
Bangalore – 560 041

2. The Director of Postal Services,
Office of the Post Master General,
Bangalore Head Quarters Division,
Bangalore – 560 001

3. Union of India,
Represented by Secretary,
Department of Post,
Dak Bhavan,
New Delhi – 110 001Respondents

(By Shri S. Sugumaran, Counsel for the Respondents)

ORDER (ORAL)DR. K.B. SURESH, MEMBER (J):

Heard the matter in great detail and examined the applicant also. We tried to dissect what might have happened on that particular days.

2. Apparently it is this. On 2 days the applicant was on leave, sanctioned leave, the Mail Sorter of those days would have taken the letters to be delivered by the applicant and put them in his mailing bag. Apparently thereafter he had kept other beat letters also in it and it remained undelivered for a period of about 5 months. The question then would be, whose fault is that? We are not going into the Mail Sorter's infraction at this point but the applicant also ought to have been vigilant and diligent. On coming back from leave, it was his duty to enquire as to whether any alternative arrangements have been made or, if not, what happened to the mail he was supposed to deliver. Shri Sugumaran, learned counsel for the respondents, says that the volume of mail was high. But then in a post office like Chikpet having 400 letters or 500 letters in a day or two is not uncommon. It is such a busy commercial area and it is quite possible, therefore, the Inquiry Officer held that the charges are not proved taking all these into consideration. But then that also he could not have done because the applicant has already admitted that at least half of the letters found in the mail bag was his, so, some responsibility attaches to the applicant also.

3. We had carefully gone through the Appellate Authority's order. In view of the dissipation of the responsibility between the applicant and the Mail Sorter and other controlling officers at that point of time, we do not think that the

extreme penalty of compulsory retirement is required but at the same time we do not feel that reduction of pay by 2 stages without any cumulative effect is sufficient. We will therefore go by the advice of Shri Sugumaran, learned counsel for the respondents, that some perpetuity must be attached to this also otherwise the department cannot run. Therefore we will now direct the Appellate Authority to re-modulate the punishment as reduction of pay by 2 stages in perpetuity to satisfy Rule 14. This he shall do so within the next two weeks. The Disciplinary Authority shall also thereafter take back the applicant into service but in the interregnum he is not eligible for any backwages.

4. The OA is allowed to this limited extent. No order as to costs.

(C V SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No.170/00035/2018

Annexure A-1: Copy of the Memorandum dated 21.02.2014

Annexure A-2: Copy of the E.O. report dated 01.04.2016

Annexure A-3: Copy of the disagreement note dated 07.04.2016

Annexure A-4: Copy of the D.A. order dated 23.05.2016

Annexure A-5: Copy of the A.A. order dated 06.12.2017

Annexures with reply statement

Annexure R-1: Copy of the show cause notice dated 25.09.2017

Annexure R-2: Copy of the appeal dated 28.10.2017
