

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

Pronounced on : 25.01.2019

Reserved on : 17.01.2019

OA No. 060/00638/2016

**CORAM: HON'BLE MR.SANJEEV KAUSHIK, MEMBER(J)
HON'BLE MRS. P. GOPINATH, MEMBER(A)**

Smt. Munni Devi @ Manorma aged about 55 years wife of Late Sh. Ved Pal Sandhu, Ex-PA, Jhojhu, resident of Village Devwas Via Rodhan, Distt. Bhiwani.

.....Applicant

BY ADVOCATE: **Sh. Ankul Sidhar for Sh. Rajesh Khandelwal**

Versus

1. Union of India through its Secretary, Ministry of Communications, Department of Information and Technology, New Delhi.
2. Chief Post Master General, Haryana Circle, Ambala.
3. Superintendent of Post Offices, Bhiwani Division, Bhiwani.

.....Respondents

BY ADVOCATE: **Sh. Ram Lal Gupta**

ORDER

MRS. P. GOPINATH, MEMBER(A):-

1. The applicant is the wife of the deceased employee and prays for grant of 2nd MACP with consequential benefits to her husband. It is argued that the employee was denied 2nd MACP on the ground of average ACRs which were not communicated to him. The second MACP was due to the husband of the applicant on 01.09.2008 when the scheme was launched. The employee's ACRs for five years i.e. 2002-2007 were to be considered for grant of the benefit. The applicant contends that her husband has a mixture of good and average ACRs and there was no

punishment awarded to her husband and hence, he was illegally denied the benefit. She also argues that the ACRs were not communicated to her husband.

2. Another argument taken by the applicant is that disciplinary cases faced by her husband are required to be closed on his death.

3. There is a delay of 692 days in filing the OA which the applicant attributed to the fact that the applicant was an illiterate housewife and does not know much about law. The delay is condoned.

4. The respondents in their reply placed on record three tables. First Table A provides details of 225 days of dies non for the period 12/2000 to 5/2013. A second Table B provides details of six punishments awarded to the deceased employee. These include award of punishment of censure in the year 1989-90, punishment of withholding of one increment for a period of three months in the year 1999-2000, stoppage of one increment for a period of one year in 2008-09, withholding of next increment for one year in 2011-12, and withholding of next increment for one year in the year 2013-14.

5. The above punishments which translated into adverse entries, were communicated to the official on various dates detailed in Table 'C' of the reply statement.

6. It appears that the applicant's husband may have had a drinking problem as a result of which he remained absent and the post office which he was manning remained closed. This fact, together with the non-achievement of target of SB accounts and

Rural Postal Life Insurance was communicated to the applicant vide respondents' letter No. SP/COM/CR/AR/12 dated 01.04.2013.

7. The official was communicated the adverse remarks vide letters dated 16.07.1990, 28.09.2000, 06.07.2009 and 01.04.2013 and no appeal or review petition was filed under the provisions of Rules 23 and 29 of CCS (CCA) Rules 1965. Hence, the official did not avail the statutory remedy available to him.

8. The official was granted financial upgradation under the TBOP Scheme on completion of 16 years on 06.09.1998. He was eligible for second financial upgradation under BCR Scheme on 06.09.2008 on completion of 26 years of service. This could not be granted as the official was unauthorizedly absent from service for 161 days, the details of which have been provided in the reply statement. The BCR Scheme was replaced by MACP which came into effect from 01.09.2008. Hence, applicant became eligible for second upgradation under MACP. The official's case was considered by the Screening Committee for second MACP and applicant was declared unfit for grant of the same. He was awarded average gradings on account of being on unauthorized leave and not opening the post office to the public, which period was treated as dies non.

9. The official had preferred a representation for non-grant of MACP, as a consequence of which the second respondent directed the third respondent to re-convene meeting of the Screening Committee and scrutinize the ACRs of the official as per extant policy and instructions. The second respondent also directed that all ACRs which were to be

considered for grant of MACP be communicated to the official. Thirdly, the second respondent directed the third respondent to consider the case of the official for grant of MACP on a year to year basis by convening the Screening Committee meeting.

10. Following the above order, a review screening committee was convened on 04.07.2014 to consider the grant of second MACP on a year to year basis. The official's case was considered on 01.09.2008 when the MACP Scheme was launched and he was denied the benefit as he was awarded a punishment of stoppage of increment for a period of one year which ended on 30.06.2010. In the review committee meeting of 01.07.2010, the official was denied MACP on account of unsatisfactory record of service i.e. average grading in the ACRs for the period 2005-06 to 2008-09. On 01.07.2011, he was denied MACP on account of average grading of ACR for the period 2005-06 to 2009-10. In the review meeting of 01.07.2012, it was brought to the notice of the review committee that on 30.11.2011, he was awarded punishment of withholding one increment for a period of one year. The punishment ended on 30.06.2013. On the next date of Review DPC, i.e. 01.07.2013, the MACP was denied as the official as he was awarded a punishment of withholding of one increment for a period of one year vide memo dated 10.05.2013 with punishment ending on 30.06.2014. The ACRs for the period from 2002-03 to 2008-09 were communicated to the official vide letter dated 11.06.2014. The official did not represent against any of the below benchmark ACRs. The official expired on 03.09.2014.

11. This appears to be a case where the official was undergoing one punishment after another and was also awarded dies non for various period of unauthorized leave amounting to 225 days. Year on year, he appears to have been punished for one misdemeanour or the other against which he neither preferred an appeal nor a revision petition. It also appears that the family of the official was unaware of all the disciplinary proceedings and service details of dies non while filing this OA. The punishments awarded and concluded cannot be closed or withdrawn, as requested by the applicant. Only pending disciplinary cases are closed on death of employee. Past punishments awarded and completed cannot be withdrawn under the rules.

12. As per above details of disciplinary proceedings followed by punishment, and the fact that the below bench mark ACRs have been communicated to the official and he failed to follow it up by way of filing a representation, and the fact that the respondents had conducted a year on year review DPC for granting the official MACP since the launch of the MACP scheme and found him unfit, we find that no further relief can be given to the applicant. OA is dismissed, being devoid of merit. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated:
ND*