

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Tuesday 30th day of October Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

THE HON'BLE MR. P. MADHAVAN, MEMBER (J)

O.A./310/1378/2013

K. Baby,

Sub Postmaster,

Dindigul Fort SO,

Dindigul- 624 001.

.....Applicant

(By Advocate : M/s. Raj & Raj Associates)

VS.

1. Union of India,
Rep. by the Director of Postal Services,
Office of the Post Master General,
Southern Region, Madurai- 625 002;

2. The Superintendent of Post Offices,
Dindigul Division,
Dindigul- 624 001.

... ..Respondents

(By Advocate: Mr. S. Padmanaban)

ORAL ORDER

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

This OA is filed by the applicant seeking the following relief:-

“to call for the records of the respondents pertaining to the order of the second respondent made in Memo No.F1/09/08-09 dated 23.07.2012 imposing the punishment of withholding of one increment for a period of two years and as modified by the first respondent in Memo No.VIG/15-31/12-13/MA dated 18.06.2013 as reduction by one stage for a period of two years and set aside the same and direct the respondents to pay all the monetary benefits to the applicant.”

2. The applicant is aggrieved that she has been imposed with penalty of reduction of pay by one stage from Rs.15450/- to Rs. 14860/- in the Pay Band of Rs. 9300-34800 with Grade Pay of Rs 4600/- for a period of two years with effect from 01.06.2013 by the proceedings of the appellate authority dated 18.06.2013. It is submitted that earlier the applicant had been imposed with the same penalty, however, with effect from 23.07.2012 which was in contradiction with Rule 102 of P & T Manual Vol 3 and was, therefore, not capable of implementation as the applicant had already been sanctioned her increment for the said year. The appellate authority merely modified the date of effect of the order of penalty imposed by the disciplinary authority and did not quite address the issues raised by the applicant in the appeal.

3. Ld. Counsel for the respondents would, however, submit that it is not correct to state that the order passed by the appellate authority was a mere modification of the date of effect of the penalty. The appellate authority had clearly dealt with the issues raised by the applicant in the impugned order dated 18.06.2013 in as much as he had recorded the finding arrived at in the matter to the effect that the applicant was entrusted with the work of watching the receipt of SPMs monthly reports (SMR) from various Sub Offices on a monthly

basis. SMR was an important record which gave a summarized view of the monthly performance of the SO concerned. When such a vital record was not received from the SO concerned for months together, mere issuing of reminders would not yield any fruitful results. As an office assistant, the appellant must have sought further directions from the SPOs at the first instance itself. However, the appellant had failed to bring to the notice of the higher authorities the non-receipt of SMRs with the explanation/reply from the SPM, Vendasandur SO. The appellant had mentioned that SPO had cautioned the SPM on 31.03.2008 for having retained excess cash while reviewing the SMR for February 2008. But the appellant failed to keep a watch on the same irregularity of the SPM, Vendasandur SO in the following months and bring it to the notice of the SPOs. The appeal of the appellant was silent on this aspect of his failure, it is contended.

4. We have considered the pleadings and submissions made by the rival counsel. While in the impugned order, it is stated that the applicant failed to monitor the SMRs and bring it to the notice of the higher authorities, the applicant would insist that she had regularly monitored and issued reminders to the SO concerned. However, the respondents have observed that the appellant failed to keep a watch on the same kind of irregularity of the SPM, Vendasandur SO in the following months and bring it to the notice of the SPOs. Although the applicant would allege that it was brought to the notice of the higher authorities and the respondents would deny the same, we are unable to see any evidence on record one way or the other in the pleadings or annexures of this OA/reply.

5. Under the aforesaid circumstances, learned counsel for the applicant would urge that the applicant may be permitted to file a revision against the appellate order dated 18.06.2013 to the competent authority for which the time limit may be condoned. This

is with a view to obtaining the relevant documents through the Right to Information Act or otherwise and satisfy the revisionary authority that the applicant had duly discharged her duty during the relevant period.

6. Keeping in view the above submission and without entering into the merits of the applicant's claim, we deem it appropriate to permit the applicant to file a revision before the competent authority within a period of three months from the date of receipt of copy of this order during which time, she may collect the requisite documentary evidence that may be available on the records of the authorities. On receipt of such revision petition, the revisionary authority shall consider the same in accordance with law and pass a reasoned and speaking order on merits within a period of three months thereafter in relaxation of time limit, if any for filing a revision petition.

7. The O.A. is disposed of in the above terms. There shall be no order as to costs.

(P. MADHAVAN)
MEMBER(J)

(R. RAMANUJAM)
MEMBER(A)

asvs.

30.10.2018