

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00759/2018

DATED THIS THE 15TH DAY OF APRIL, 2019

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

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

B.J. Sundaresh,
S/o B.B. Janardhan,
Aged about: 42 years,
Working as Marketing Executive,
Shimoga – 577 201
Residing at:
1st Cross, Bapujinagar,
Shimoga – 577 201
(By Advocate Shri P. Kamalesan)

..... Applicant

Vs.

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

2. Post Master General,
S.K. Region,
Bangalore – 560 001

3. Chief Post Master General,
Karnataka Circle,
Bangalore – 560 001

4. Superintendent of Post Offices,
Shimoga Postal Division,
Shimoga – 577 201

....Respondents

(By Shri M.V. Rao, Senior Central Government Panel Counsel)

O R D E R (ORAL)

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

Heard. The matter relates to an explanation on Rule 11. Shri Kamalesan, learned counsel for the applicant, would submit that rules stipulate that there cannot be twin punishments for a single infraction. Therefore, with the help of the learned counsels we examined it and found that it is actually an infraction followed by a punitive measure with a consequence. The consequence being that the amount involved in the infraction had to be recovered. Therefore, it is only a consequence and not a twin punishment. The OA therefore lacks merit.

2. The OA is dismissed. No order as to costs.

(C.V. SANKAR)

(DR.K.B.SURESH)

MEMBER (A)

MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00759/2018

Annexure A1 Copy of the SPO, Shimoga memo dated 06.11.2017
Annexure A2 Copy of the representation of the applicant dated 23.09.2017
Annexure A3 Copy of the representation dated 14.11.2017
Annexure A4 Copy of the representation dated 17.01.2018
Annexure A5 Copy of the daily order sheet of I.O vide letter dated 12.02.2018
Annexure A6 Copy of the SPO, Shimoga memo dated 11.05.2018
Annexure A7 Copy of the judgment in Special Appeal No. 445/1967 in Saxena Vs. State of UP

Annexures with reply statement

Annexure R1 Copy of the SPO, Shivamogga memo dated 29.04.2016
Annexure R2 Copy of the charge report of the applicant dated 04.08.2016 Shivamogga HO
Annexure R3 Copy of the charge report of the applicant dated 04.08.2016 at Sagar HO
Annexure R4 Copy of the Travelling Allowance bill of the applicant
Annexure R5 Copy of the Kendriya Vidyalaya, Shimoga letter dated 24.07.2017
Annexure R6 Copy of the reimbursement of children education allowance of the applicant
Annexure R7 Copy of the Postal Manual Volume III

Annexure R8 Copy of the Swamy's Compilation of Central Civil Services,
Classification Control and Appeal Rules

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