

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

Original Application No.344/2017

Date of C.A.V. : 09.08.2018

Date of Order : 27.02.2019

Between :

P.Balasubrahmanyam, S/o Late Papaiah,
Aged 47 years,
Occ : Assistant Superintendent Post (Retd. Compulsorily),
At Plot No.183, Sasikantnagar,
Kakinada – 533 003, E.G.Dist, A.P. ... Applicant.

And

1. Union of India, rep. by
Director General – Posts and
Secretary, Dept. of Posts,
Ministry of Communications and IT,
Dak Bhavan, Sansad Marg,
New Delhi – 110001.

2. Chief Postmaster General,
A.P.Circle,
Vijayawada – 520003.

3. Post Master General,
Visakhapatnam Region,
Visakhapatnam – 530017.

4. Director Postal Services,
O/o Post Master General,
Visakhapatnam Region,
Visakhapatnam – 530017.

5. S.V.Siva Prasad,
I.O and Sr.Suptd. Posts,
Vijayawada – 520001. ... Respondents.

Counsel for the Applicant ... Mr.P.Balasubrahmanyam (Party-In-Person)
Counsel for the Respondents ... Mr.R.V.Mallikarjuna Rao, Addl.CGSC

CORAM:

Hon'ble Mr.Justice R.Kantha Rao ... **Member (Judl.)**
Hon'ble Mrs.Naini Jayaseelan ... **Member (Admn.)**

ORDER

{ As per Hon'ble Mr.Justice R.Kantha Rao, Member (Judl.) }

Proposing disciplinary action, the following charges have been framed against the applicant while he was working as Assistant Superintendent of Posts in the office of Superintendent of Post Offices, Kakinada Division :

Article – I :

A. *That the said Shri P.Balasubrahmanyam, while working as Assistant Superintendent of Posts in the office of the Supdt. of Post Offices, Kakinada Division, Kakinada during the period from 27.02.2009 to till date, claimed false travelling allowance and daily allowance in his Tour TA bill for the month of June-2009 without actually staying at Nemam BO as per the diary movements and without using his own motor cycle for the journey performed on 19.06.09 in connection with the annual inspection of Nemam BO under APSP Camp SO. It is therefore, alleged that Shri P.Balasubrahmanyam failed to follow the instructions contained in Ministry of Finance Memo Numbers 19030/3/2008-E.IV dated 23.9.2008, 19030/3/2008-E.IV dated 19.11.2008 and 19030/3/2008-E.IV dated 22.1.2009 communicated through the Post master General, Visakhapatnam Endorsement No.Est-1/IV CPC/Rlgs/2008 dated 03.10.2008, Est-1/VI CPC/Rlgs/II dated 07.01.2009 & AC/1-3/RLGS dated 17.2.09 and also failed to follow the provisions contained in SR-29 of FRSR Part II, thereby failed to maintain absolute integrity as required in rule-3(1)(i) of CCS(CCA) Rules, 1965.*

B. *That the said Shri P.Balasubrahmanyam, while as Assistant Superintendent of Posts (R) in the office of the Supdt. of Post Offices, Kakinada Division during the period from 27.2.2009 to till date, failed to note down the time spent at Nemam BO a/w APSP Camp SO, examine the contents of BO bag received from AO and to comment on article*

received in the BO bag, in the Inspection Report dated 19.6.2009 on Nemam BO, which is mandatory as per the approved BO Inspection Questionnaire (Revised Edition, 2006) published by the Department of Posts, Government of India. It is therefore, imputed that Shri Balasubrahmanyam, failed to follow the instructions contained under the head INTRODUCTION and question No.8 of the approved BO Inspection Questionnaire (Revised Edition, 2006) published by the Department of Posts, Government of India read with Rule 125 of Book of BO rules and thereby failed to maintain absolute devotion to duty as required in rule in Rule 3(1)(ii) CCS (Conduct) Rules, 1964.

Article-II :

That during the aforesaid period and while working in the aforesaid office, the said Shri P.Balasubrahmanyam, Assistant Superintendent of Posts (R), Kakinada Division made a false mention at para 4 of the Inspection Report dated 19.06.2009 on Nemam BO about the distance between Nemam BO and Panduru BO without actually, measuring the distance between these two Branch Post Offices. It is therefore, alleged that the said Shri P.Balasubrahmanyam, while discharging his duties made a false mention in his Inspection report dated 19.6.2009 on Nemam BO a/w APSP Camp SO and thereby failed to maintain devotion to duty as required under Rule-3 (1)(ii) of CCS (Conduct) Rules, 1964.

Article-III :

That the said Shri P.Balasubrahmanyam while working as Assistant Superintendent of Posts (R), Kakinada Division during the period from 27.2.2009 to till date, instructed in para 5 of his Inspection Report dated 19.6.09 on Nemam BO a/w APSP Camp SO, the Inspector Posts, Kakinada North Sub Division to bring G.V.Palem and Ch.Palem Villages which are having letter boxes in to unfixed beat system without actually assessing the traffic and having the location of the letter boxes. Thus, it is imputed that the said Shri P.Balasubrahmanyam exercised the powers of Divisional Superintendent contained in Rule 134 of Postal Manual Volume VIII and also made a false report in his Inspection report dated 19.6.09 on Nemam BO about the letter boxes, thereby failed to maintain absolute devotion to duty as required under Rule-3(1)(ii) of CCS (Conduct) Rules, 1964 and also acted in a manner which is unbecoming of a Government Servant which attracts Rule-3(1)(iii) of CCS (Conduct) Rules,

1964.

Article-IV :

That the said Shri P.Balasubrahmanyam, while working as Assistant Superintendent of Posts (R) Kakinada Division during the period from 27.2.2009 to till date directed the Office Assistant, Establishment Branch, Office of the Supdt of Post Offices, Kakinada Division vide Para 4 of his Inspection Report dated 19.06.09 on Nemam BO to submit a proposal for reduction of the post of GDSMC/MD, Nemam BO and also demanded and received an amount of Rs.10,000/- (Rupees Ten thousand only) from Shri S.Venkatachalam, BPM, Nemam BO a/w APSP Camp SO for not pursuing the proposal.

It is therefore, imputed that the said Shri P.Balasubrahmanyam, while working as Assistant Superintendent of Posts (R), Kakinada Division made a false report to receive illegal gratification and thereby failed to follow Rule 185 of Postal Manual Volume III (corrected upto 1982) and also failed to maintain absolute integrity and devotion to duty as required under Rule-3(1)(i) & (ii) of CCS(Conduct) Rules, 1964.

Article-V :

That during the aforesaid and while working in the aforesaid office, the said Shri P.Balasubrahmanyam, Assistant Superintendent of Posts (R), Kakinada Division issued a Letter No.A5/EDA/Dlgs dated 23.10.2009 to the Postmasters of Kakinada HO and Samalkot HO with a direction to take immediate necessary action for fixation of TRCA (Time Related Continuity Allowance) in respect of all Grameen Dak Sevaks (other than BPMs) and pay the arrears of 40% without obtaining orders from the Supdt. of Post Offices, Kakinada Division.

It is therefore, imputed that the said Shri P.Balasubrahmanyam exercised the powers of Divisional Superintendent and also failed to follow the instructions contained in Annexure-V of DG(Posts) Letter No.6-1/2009-9E-II dated 9.10.2009 thereby acted in a manner which is unbecoming of a Government Servant which attracts Rule-3(1)(iii) of CCS(Conduct) Rules, 1964.

Article-VI :

That the said Shri P.Balasubrahmanyam, Assistant Superintendent of Posts (R), Kakinada Division while working as Inspector Posts, Kakinada North Sub-Division during the period from 07.3.2003 to 05.9.2006 issued

a Show Cause Notice to Shri M.Eswarudu, MC/MD, Nemam BO in Memo No.PF/MC/MD/Nemam/03-04 dated 20.6.2003 to take disciplinary action for his non-residing in the BO village or delivery jurisdiction of the BO and after taking a bribe amount of Rs.2,500/- (Rupees Two thousand five hundred) he did take any action.

It is therefore, alleged that the said Shri P.Balasubrahmanyam, misused the powers of an Inspector as enjoined in Rule-261 of Postal Manual, Volume-VIII thereby failed to maintain absolute integrity and devotion to duty as under Rule 3(1)(i) & (ii) of CCS(Conduct) Rules, 1964.

Article-VII :

That the said Shri P.Balasubrahmanyam, Assistant Superintendent of Posts (R), Kakinada Division while working as Inspector (Posts), Kakinada North Sub-Division during the period from 7.3.2003 to 05.9.2006 issued a Memo No.Dlgs/Mails/North/05-06 dated 30.4.2005 transferring the delivery area of Avanthinagar and Maruthinagar from APSP Camp SO to Thimmapuram BO and after taking a bribe of Rs.2,000/- from Shri K.V.Ramana, GDSMD, Thimmapuram BO a/w APSP Camp SO, they said Shri P.Balasubrahmanyam, delinked the delivery area attached to the GDSMD, Thimmapuram BO through his Memo No.Dlgs/Mails/North/05-06 dated 28.06.2005 without bringing changes to the notice of Divisional Superintendent.

It is therefore, alleged that the said Shri P.Balasubrahmanyam, while working as Inspector Posts, Kakinada North Sub Division from 7.3.2003 to 5.9.2006, without any approval transferred the delivery area of APSP Camp SO to Thimmapuram BO and vice versa within a period of two months, for his direct personal pecuniary interest in performance of Departmental work as he demanded and received money from Shri K.V.Ramana, GDSMD, Thimmapuram BO in account with APSP Camp SO and thereby failed to observe the Rule 185 of Postal Manual Volume III (corrected upto 1982) and also failed to maintain absolute integrity and devotion to duty as required under Rule 3(1)(i) & (ii) of CCS (Conduct) Rules, 1964.

Article VIII :

That the said Shri P.Balasubrahmanyam, while working as Assistant Superintendent of Posts (R), Kakinada Division during the period from 27.2.2009 to till date demanded an amount of Rs.10,000/- (Rupees Ten

thousand) towards bribe from Shri S.Venkatachalam, BPM, Nemam BO to fix his TRCA at Rs.4,150/- and on his refusal to offer the bribe fixed the TRCA in the minimum slab of the TRCA to his disadvantage and against his entitlement. It is therefore, alleged that the said Shri P.Balasubrahmanyam, misused his official power for his personal pecuniary gains and failed to observe the Rule 185 of Postal Manual Volume III (corrected upto 1982) and also failed to maintain absolute integrity and devotion to duty as required under Rule-3(1)(i) & (ii) of CCS Rules, 1964.

Article IX:

That the said Shri P.Balasubrahmanyam, Assistant Superintendent of Posts (R), Kakinada Division while working as Inspector (Posts), Kakinada North Sub- Division during the period from 7.3.2003 to 5.9.2006 sent a proposal to the Superintendent of Post Offices, Kakinada for bringing Tatiparthi BO a/w Gollaprolu SO into forward mail arrangement by mentioning the distance between Thatipatri and Gollaprolu as 3 KM against the actual distance of 4.5 KM.

Thus it is imputed that the said Shri P.Balasubrahmanyam made a false report in his proposal dated 12.11.03 without measuring the actual distance between Gollaprolu SO and Tatiparthi BO and thereby failed to maintain absolute devotion to duty as required in Rule-3(1) (ii) of CCS (Conduct) Rules, 1964.

2. In so far as Charge No.1 is concerned it is alleged against the applicant that he claimed false TA and DA in his tour TA bill for the month of June 2009 without actually staying at Nemam BO on 19.06.2009 and without using his own motor cycle for the journey performed on the day. It is also alleged that the applicant failed to note down that the time spent at the B.O. in the inspection report and examine the contents of BO bag received during his inspection of Nemam BO.

3. Against the charge, one Sri S.Venkatachalam, BPM, Nemam BO gave evidence in the course of inquiry that in connection with the inspection the applicant spoke to him over phone to get him to the Branch Office on his motor cycle and accordingly he went to the residence of the applicant and brought him on his motor cycle and after inspection dropped him at his residence. The inquiry officer also found from the documents exhibited at the inquiry that the applicant did not mention the time of his stay and the contents of the BO bag in the inspection report. One Sri M.Eswarudu (SW-4) GDS MC/MD of Nemam BO corroborated the evidence of Sri S.Venkatachalam (SW-3). Basing on the above mentioned evidence of two witnesses the inquiry officer held that the Charge No.1 was proved.

4. In Charge No.2 it is alleged against the applicant that in his inspection report dated 19.06.2009 he mentioned that the BO is just 2 KM away from Panduru BO which is a neighbouring BO and if the mail line is extended to Nemam, it can be reduced and that he accordingly ordered the Office Assistant, Establishment Branch of Divisional Office, Kakinada to put up a proposal to this effect to the Regional Office.

5. The version of the department is that the actual distance is 3.2 kms but applicant mentioned the distance as 2 kms. D-3 is the defence document which is a certificate issued by the AEE, R&B showing the distance as 3.5 km. The applicant admitted in his statement dated 09.01.2010 (S-8) that he had not

actually measured the distance between these two villages. According to the applicant it is only an error of judgement, but not made without any ill will or motive. However on the ground that the applicant facilitated for proposal for reduction of GDS MC/MD post of Nemam BO, the inquiry officer held that Charge No.2 was also proved.

6. The 3rd charge relates to a direction mentioned by the applicant in his inspection report dated 19.06.2009 where under he instructed the Inspector (Posts), Kakinada North Sub Division to bring G.V.Palem and Ch.Palem villages which are having letter boxes on unfixed beat on the ground that the letter boxes at these two villages are damaged and as per the information ascertained by him no letters were being posted in these letter boxes.

7. According to the inquiry officer the applicant in his statement dated 31.03.2010 (S-9) admitted that he did not visit those two villages but found that the damaged letter boxes kept in the BO premises. The evidence of Sri S.Venkatachalam (SW-3) and also D-25 which is a stock book of Nemam revealed that there are letter boxes in these two villages and that they are in good condition. Sri M.Eswarudu (SW-4) also confirmed the fact that the letter boxes are in good condition and they were being cleared by him regularly. Basing on the aforementioned evidence the inquiry officer held that the Charge No.3 was also proved.

8. In Charge No.4 it is alleged that the applicant directed the O.A., Establishment Branch, Divisional Office to prepare a proposal for reduction of post of GDS MC/MD by entrusting delivery of these two BOs to the respective BPMs and also to bring G.V.Palem and Ch.Palem villages served by Nemam BO to unfixed beat. It is further alleged that to suppress the said proposal he demanded and accepted the bribe of Rs.10,000/- from Sri Venkatachalam.

9. According to Sri Venkatachalam, BPM, he recorded the said conversation between him and the applicant in his mobile phone and thereafter he got prepared a CD. The CD was also produced in course of inquiry. According to the department along with Sri S.Venkatachalam (SW-3) one Sri V.V.V. Satyanarayana (DW-4) was also present at the time of conversation, but DW-4 denied his presence along with SW-3 at the residence of the applicant when the alleged conversation took place. Further the voice in the CD also could not be recognized. The inquiry officer also found that as seen from D-33 dairy of the applicant, he was not at Kakinada on the day on which SW-3 has stated to have given Rs.10,000/- to the applicant. Having found that there is no other evidence showing that the applicant accepted the amount from SW-3, the inquiry officer disbelieved the version of SW-3 that he actually gave the amount of Rs.10,000/- to the applicant. The authenticity of the CD was also not believed by the inquiry officer. The inquiry officer ultimately held that Charge No.4 was proved except to the extent that Rs.10,000/- was given by SW-3 to the applicant and the applicant

accepted the said amount.

10. Charge No.5 is to the effect that the applicant issued letter dated 23.10.2009 directing the Postmaster, Kakinada Head Office and Samalkota Head Office to take immediate action to fix TRCA of all Gramina Dak Sevaks and pay 40% arrears without obtaining orders of SPOs, Kakinada Division.

11. Even though the applicant contended that S-15 letter is not a financial sanction, the inquiry officer took the view that it is a communication to draw arrears by a specific date without the approval of Superintendent of Post Offices, Kakinada who was on the camp on the date of the letter. The inquiry officer expressed the view that the applicant could have waited till the arrival of the SPOs. As there was no denial of issuing the said letter by the applicant, the inquiry officer held that the said charge is proved.

12. Charge No.6 is to the effect that the applicant while working as Inspector of Posts, Kakinada North Sub Division having issued a show cause notice to one Sri Eswarudu, GDS MC/MD, Nemam BO (SW-4) through memo dated 20.06.2003 for not residing in the BO Village or at its delivery jurisdiction and that disciplinary action would be taken against him did not in fact take any action after taking a bribe of Rs.2500/- from SW-4.

13. Though Sri M.Eswarudu (SW-4) gave a statement in the course of

inquiry that he paid an amount of Rs.2500/- to the applicant for not taking any action for the aforementioned lapse. The inquiry officer did not believe the evidence of SW-4 on the ground that he was unable to tell the date and time on which he paid Rs.2500/- to the applicant and also there was no corroborative evidence. However, the inquiry officer held that the charge to the extent that the applicant failed to take any action against SW-4 for not residing in the BO Village or at its delivery jurisdiction even after issuing show cause notice. The said charge is proved to that extent, but there is no reliable evidence to show that the applicant has taken a bribe of Rs.2500/- from SW-4.

14. Charge No.7 is to the effect that while the applicant was working as Inspector of Post Offices, Kakinada issued a memo dated 30.04.2005 transferring the delivery area of Avanthinagar and Maruthinagar from APSP Camp SO to Timmapuram BO and that after taking a bribe of Rs.2000/- from the GDS MD, Thimmapuram BO he reversed the arrangement through memo dated 28.06.2005.

15. The version of the department is that as per the rules an Inspector is not competent to change the delivery area of a Post Office to another Post Office particularly between a departmental office and Branch Office. Therefore, the inquiry officer found that the applicant exceeded his jurisdiction. However he disbelieved the version of SW-2 that he paid an amount of Rs.2000/- to the applicant on the ground that there is no other corroborative evidence either oral

or documentary.

16. It is alleged in Charge No.8 that the applicant while working as ASP, Kakinada Divisional Office has placed Sri S.Venkatachalam, BPM (SW-3) in the slab of TRCA for the reason that SW-3 refused to pay Rs.10,000/- as bribe to the applicant though SW-3 was eligible for fixation in Rs.3660/-.

17. In the course of inquiry SW-1 and SW-3 stated that on 13.06.2016 and 14.06.2016 respectively the applicant called all the BPMs except lady BPMs under APSP Camp SO to his house and negotiated for bribe to fix their pay at a stage higher than the admissible pay. SW-7 in his evidence stated that the applicant has asked him orally to keep Nemam BPM in the scale of Rs.3200-60-5000. Accordingly SW-7 stated to have shown in the main memo Rs.3200-60-5000 as eligible scale of Nemam BO against the entitlement of Rs.3600-75-5760. The inquiry officer also took into consideration the depositions of SW-5 and DW-1 who denied that SW-7 has discussed this issue with them. As regards this charge also the inquiry officer held that there is no evidence to prove that the applicant demanded Rs.10,000/- from SW-3, showing the scale of SW-3 higher than the admissible slab in the rough memo and lesser than the admissible slab in the main memo. However the inquiry officer held that the charge to the extent the pay scale of SW-3 was shown less than the admissible slab intentionally by the applicant is proved.

18. Charge No.9 is to the effect that the applicant issued an order changing the delivery jurisdiction of Avanthinagar and Maruthinagar from APSP Camp SO to Timmapuram BO showing the distance between Gollaprolu and Tatipathri BO as 3 Kms through a newly laid black topped concrete road and again reversed the arrangement within a period of two months though he is not competent to do so without the approval of the competent authority. It is also alleged that for this purpose he received a bribe of Rs.2000/-.

19. The department got the distance measured through Sri K.Sridharam (SW-6) and it was found that the distance was 5.9 KM & 4.5 KM through the new road. As regards this charge also the inquiry officer held that the irregularity is proved, but receiving the bribe is not proved.

20. The inquiry officer submitted his report to the Disciplinary Authority. The Disciplinary Authority issued proceedings dated 24.03.2017 passing the final order. The Disciplinary Authority considering the written submissions made by the applicant concurred with the findings recorded by the inquiry officer and held that the Articles – I, II, III, V, VIII and IX are proved and Articles – IV, VI and VII are also established to the extent of procedural lapses. The Disciplinary Authority was of the view that the charges in so far as they relate to demanding and accepting bribe by the applicant are not proved. Thus all the charges which are said to be proved pertain to the lapses in discharge of duties of the applicant.

However, the Disciplinary Authority expressed the view that the charges are very serious in nature and accordingly in exercise of powers contained in Rule 11 of CCS (CCA) Rules, 1965 ordered that the applicant be retired from service compulsorily with immediate effect.

21. The applicant preferred an appeal against the order passed by the Disciplinary Authority and the Appellate Authority by order dated 30.11.2017 rejected the appeal filed by the applicant. The applicant therefore filed the present OA to quash and set aside the order passed by the Disciplinary Authority which was confirmed by the Appellate Authority and consequently direct the respondents to initiate disciplinary proceedings against Respondent No.4 for having exercised quasi-judicial powers negligently and recklessly.

22. The respondents filed reply statement contending that the inquiry was conducted in strict observance of CCS Rules and full opportunity was given to the applicant to defend the charges. That the inquiry officer on thoroughly considering the evidence which was unfolded at the time of the inquiry arrived at appropriate conclusions, the Disciplinary Authority on reappraisal of the evidence concurred with the findings of the inquiry officer and imposed appropriate penalty having regard to the gravity of the charge. It is further submitted that the Appellate Authority giving adequate reasons rightly rejected the appeal of the applicant. Therefore, according to the respondents the final order passed by the Disciplinary Authority which was confirmed by the Appellate Authority does not

call for any interference in the present OA. As regards the contention of the applicant that the CVO's advise was not taken by the authorities before issuing charge memo, it is contended by the respondents that it is not mandatory and therefore the charge memo issued against the applicant and the consequent inquiry cannot be said to be vitiated.

23. We have heard Mr.P.Balasubrahmanyam, Party-In-Person and Mr.R.V.Mallikarjuna Rao, learned standing counsel for the respondents.

24. As regards the contention that before issuing the charge memo the case of the applicant should have been referred to CVO, we are of the view that since the inquiry officer as well as the Disciplinary Authority took the view that the charges in so far as they relate to demanding and accepting bribe by the applicant are not proved, the case of the applicant has not been prejudiced by not referring the same to the CVO before issuing the charge memo. So long as the applicant's case is not prejudiced in view of the fact that all the charges are in relation to his discharge of duties, the applicant cannot complain that before issuing the charge memo his case ought to have been referred to the CVO and the advise of the CVO ought to have been taken. Therefore, we are of the considered view that even though the CVOs advise was not taken by the department before issuing the charge memo the inquiry conducted against the applicant cannot be said to be vitiated.

25. Another contention raised by the applicant is that the inquiry officer has not furnished certain documents during the course of inquiry and when he sought to examine 20 witnesses on his part, the inquiry officer permitted him to examine only 07 witnesses and thereby deprived him of defending his case effectively. In the instant case, we are of the view that the inquiry officer recorded the findings upon analyzing the evidence of the witnesses of the department as well as the defence witnesses. Further the entire charges which are sought to be proved relate to procedural lapses on the part of the applicant in discharge of his duties. As could be seen from the inquiry report the procedural lapses are almost admitted and the explanation offered by the applicant was not accepted by the inquiry officer, therefore we are of the view that the case of the applicant is no way prejudiced by not allowing certain documents to be perused and not examining certain witnesses on behalf of the applicant. Therefore on this ground it is not possible to hold that the inquiry is vitiated.

26. Upon perusal of the material available on records, we found that an elaborate inquiry was held giving full opportunity to the applicant to defend his case. All the contentions raised by the applicant were answered by the inquiry officer as well as the Disciplinary Authority. Before the Disciplinary Authority the applicant filed elaborate written submissions and the Disciplinary Authority gave cogent reasons for his concurring with the findings recorded by the inquiry officer. It is the contention of the applicant that the inquiry report as well as the penalty

order are the result of improper appreciation of evidence. The Tribunal while dealing with an application against the departmental inquiry will not interfere with the conclusions reached by the inquiry officer which are confirmed by the Disciplinary Authority, unless they are wholly unreasonable and perverse. In the instant case having gone through the report of the inquiry officer as well as the penalty order of the Disciplinary Authority we arrived at a decision that the appreciation of the evidence is not improper and the findings are not perverse. Therefore, we affirm those findings in the present OA.

27. As regards the proportionality of the punishment, it requires to be noticed that the charges in so far as they relate to accepting and receiving illegal gratification by the applicant have not been proved. The charges proved only relate to the procedural lapses in discharge of duties by the applicant. We are not in acceptance with the opinion expressed by the Disciplinary Authority that the charges are very serious in nature. In our view the charges are not serious in nature. Therefore imposition of compulsory retirement on the applicant in our view is unduly harsh and shockingly disproportionate, which we want to set aside in the present OA with a direction to the Disciplinary Authority to modify the same.

28. Consequently, the order of compulsory retirement passed by the Disciplinary Authority which was confirmed by the Appellate Authority is set aside. The Disciplinary Authority is directed to impose appropriate minor penalty on the applicant within eight weeks from the date of receipt of this order.

29. In the result the OA is partly allowed. There shall be no order as to

costs.

(NAINI JAYASEELAN)
MEMBER (ADMN.)

(JUSTICE R.KANTHA RAO)
MEMBER (JUDL.)

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