

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH  
HYDERABAD**

**OA/020/330/2014**

**Dated: 19/11/2019**

Between



K. Gopalkishan,  
S/o. K. Narshimulu,  
Aged about 62 years,  
Rtd. BCR Postal Assistant,  
Sangareddy Dvn.,  
R/o. H.No.1-210, Sai Dream Castles,  
Nizampet Road,  
Hyderabad ó 500 085.

... Applicant

AND

1. Union of India rep. by its  
Secretary to the Govt. of India,  
Ministry of Communications and IT,  
Dept. of Posts ó India,  
Director General of Posts ó India,  
Dak Sadan, Sansad Marg,  
New Delhi ó 110 001.
2. The Chief Postmaster General,  
A.P. Circle, `Dak Sadanø  
Hyderabad ó 500 001.
3. The Director of Postal Services,  
O/o the Postmaster General,  
Hyderabad Region,  
Hyderabad.
4. The Superintendent of Post Offices,  
Sangareddy Division,  
Sangareddy ó 502 001.

... Respondents

Counsel for the Applicant : Mr. M. Venkanna  
Counsel for the Respondents : Mr. T. Hanumantha Reddy,  
Sr. PC to CG

**CORAM :**

***Hon'ble Mr. S.N. Terdal, Member (Judl.)***

***Hon'ble Mrs. Naini Jayaseelan, Member (Admn.)***

**ORAL ORDER**

{ Per Honøble Mr. S.N. Terdal, Member (Judl.) }



Heard Sri M. Venkanna, learned counsel for the applicant and Sri Jose Kollanoor representing Sri T. Hanumantha Reddy, learned counsel for the respondents. Perused the pleadings and the documents.

2. The relief prayed for in the O.A. is as follows:

õ .....to quash and set aside the impugned punishment passed by the 1<sup>st</sup> respondent vide Memo No.C-14016/77/2012-VP dated 25.3.2013 imposing a penalty of withholding of 20% (twenty per cent) of the monthly pension for a period of 5 years being the same as illegal and arbitrary and based on no findings sustainable for the said punishment and refund the amount withheld towards cut in pension in the interest of justice.ö

3. The relevant facts of the case are that the disciplinary proceedings were initiated against the applicant. Thereafter an Inquiry Officer was appointed and the Inquiry Officer, after conducting the departmental inquiry as per the principles of natural justice and as per the provisions regarding holding of the departmental enquiry, came to the conclusion that the charges are not proved. Thereafter the Disciplinary Authority, by order dated 18.10.2012, disagreed with the findings of the Inquiry Officer and issued a disagreement note. The applicant submitted a representation to the said disagreement note. Ultimately, after seeking the advice of the UPSC, the applicant, having retired in the meanwhile, the President of India imposed the penalty of withholding of 20% pension for five years.

4. However, at the time of hearing, we noticed that the above said disagreement note was not issued complying the provisions of CCS (Pension) Rules. In view of the same, we set aside the disagreement note and the punishment order dated 25.03.2013. However, the respondents are at liberty to proceed ahead with the said departmental inquiry after the stage of submission of inquiry report.

5. The O.A. is disposed of accordingly. No order as to costs.

**(NAINI JAYASEELAN)**  
**MEMBER (ADMN.)**

*pv*

**( S.N. TERDAL)**  
**MEMBER (JUDL.)**