

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.9594 of 2017

D.Gopal

... Petitioner

-vs-

1.The Union of India, rep.by
The Chief Postmaster,
Chennai GPO, Chennai-600 001.

2.The Deputy Chief Postmaster,
Chennai GPO, Chennai-600 001.

3.The Central Administrative Tribunal,
Chennai Bench,
rep.by its Registrar,
High Court Buildings,
Chennai-104.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari calling for the records in O.A.No.127 of 2012 dated 31.08.2015 and in M.A.No.210 of 2016 in R.A.No.6 of 2016 dated 06.07.2016 on the file of the third respondent confirming the order of the first respondent dated 09.07.2011 made in Memo No.INV/AP/20-6/2011 by imposing a punishment as reduction of pay by five stages for a period of five years having the effect of postponing the petitioner's future increments of pay and modifying the punishment imposed by the second respondent in Memo No.INV/20-6/09 dated 28.02.2011 under Rule 14 of CCS (CCA) Rules, 1965 imposing the punishment of 'Removal from Service', and quash the same.

For Petitioner :: Mr.Manoj Sreevalsan

For Respondents:: Mr.S.Rathinasabapathy,
Sr.Panel Counsel for Central Govt.
for R1 and R2
R3-Court

ORDER

(Order of the Court was made by
HULUVADI G.RAMESH, J.)

The petitioner was appointed as Postman in the Postal Department and he has been working in the said post from 05.08.1995. Disciplinary proceedings were initiated against him under Rule 14 of the CCS (CCA) Rules, 1965, on the ground that he demanded a sum of Rs.50/- as bribe from the addressee one R.Raghuraman, for delivering a Speed Post article bearing No.ET247733083IN dated 27.05.2009 and used filthy language against the said addressee, and ultimately he was removed from service. The petitioner filed an appeal before the first respondent and an order was passed by the first respondent on 09.07.2011 modifying the penalty to that of reduction of pay by five stages for a period of five years, with permanent postponement of the increments in his future pay also. The petitioner filed an application in O.A.No.127 of 2012 before the third respondent-Tribunal and the same was dismissed on 31.08.2015. The Tribunal has observed in its order that a new theory has been introduced by the petitioner that he entrusted the article to some RRR candidate and the said candidate may have demanded the money from the said R.Raghuraman, which cannot be accepted, because it was raised only for the sake of defence. It has also been observed that the charges have been proved. Challenging the said order, the petitioner has come up with this writ petition.

2.After arguing the matter for some time, the learned counsel for the petitioner submitted that he is confining his argument only to the extent of reduction in the quantum of punishment and prayed this Court to reduce the quantum of punishment which has been imposed by the third respondent-Tribunal in its order dated 31.08.2015.

3.We have heard the learned Senior Panel Counsel appearing for the respondents 1 and 2, on the submissions made by the learned counsel for the petitioner.

4.On a careful perusal of the records, we find that the charges framed against the petitioner have been proved and there is no dispute with regard to that aspect, since the matter has been dealt with by the Tribunal in detail. Originally the Enquiry Officer submitted his report holding that the charges were proved and hence the petitioner was removed from service. Subsequently, on appeal to the first respondent, the punishment was modified to that of reduction of pay by five stages for a period of five years, with permanent postponement of the increments in his future pay also, and the said order was

confirmed by the Tribunal. In these circumstances, having regard to the factual matrix of the case and also taking into consideration of the fact that the petitioner is in the verge of retirement having only one year of service, we hereby modify only the punishment imposed by the Tribunal in the impugned order dated 06.07.2016 to one of reduction of pay by three stages for a period of three years, instead of five stages for a period of five years and all other aspects will remain unaltered.

5.The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

KM

To

1.The Chief Postmaster,
Chennai GPO, Chennai-600 001.

2.The Deputy Chief Postmaster,
Chennai GPO, Chennai-600 001.

3.The Registrar,
Central Administrative Tribunal,
Chennai Bench,
High Court Buildings,
Chennai-104.

+ 1 cc to Mr.Manoj Sreevalsan Advocate,SR.75175

+ 2 cc to Mr.S.Rathinasabapathy, Advocate,SR.74973

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RV(CO)

NR 17/11/2017

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