

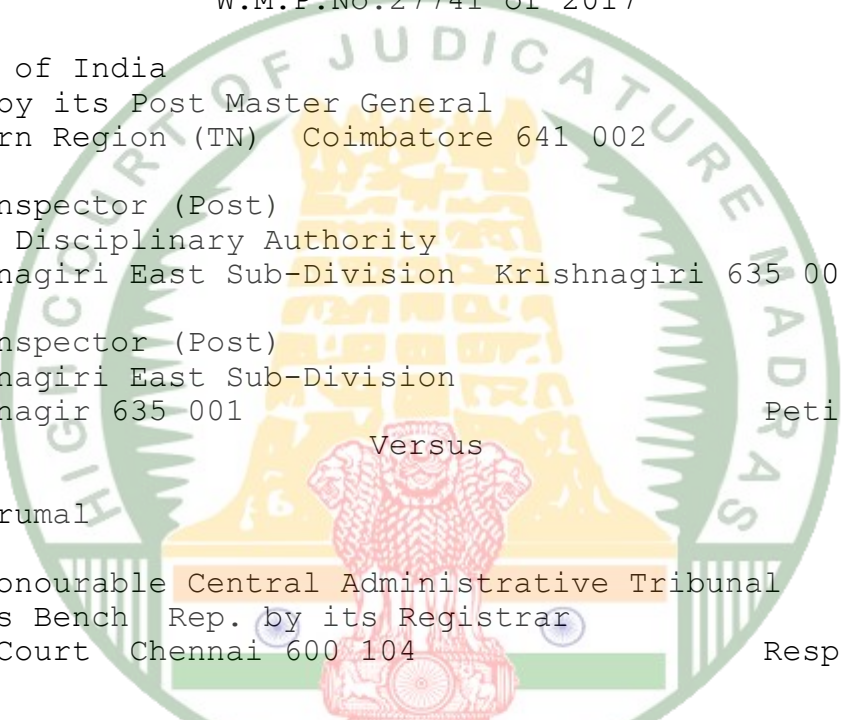
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.26118 of 2017
and
W.M.P.No.27741 of 2017

- 
- 1 Union of India
Rep. by its Post Master General
Western Region (TN) Coimbatore 641 002
- 2 The Inspector (Post)
Adhoc Disciplinary Authority
Krishnagiri East Sub-Division Krishnagiri 635 001
- 3 The Inspector (Post)
Krishnagiri East Sub-Division
Krishnagiri 635 001
- Petitioners
- Versus
- 1 P.Thirumal
- 2 The Honourable Central Administrative Tribunal
Madras Bench Rep. by its Registrar
High Court Chennai 600 104
- Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari call for the record relating to the order passed by the 2nd respondent Tribunal made in O.A.No.198 of 2015 dated 11.08.2016 and quash the same.

For petitioners : Mr.Venkataswamy Babu
For R1 : Mr.R.Malaichamy

ORDER

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

Heard the learned counsel appearing for the parties.

2. Challenging the order passed by the Central Administrative Tribunal, which set aside the punishment of

dismissal from service imposed upon the first respondent herein, on suo motu revision, by the third petitioner herein, the present writ petition has been filed by the Union of India.

3. It appears that for the alleged misconduct of misappropriating two months' old age pension, disciplinary proceedings was initiated against the first respondent herein, while he was working as Gramin Dak Sevak Mail Deliverer (GDS MD) and on acceptance of the misconduct by the first respondent during enquiry, he was debarred from appearing in the recruitment examination for the Postman for a period of three years by order dated 10.5.2003 and after more than seven months therefrom, the matter was reviewed, suo motu, by the third petitioner herein and the first respondent was dismissed from service.

4. The learned counsel appearing for the petitioners would submit that the suo motu revision was initiated under section 19 (1)(i) of the GDS (Conduct and Employment Rules 2011) and only after issuance of show cause notice and after giving opportunity to the employee, the order of dismissal from service was passed, but, however, the Central Administrative Tribunal, observing that review should have been done within a period of 6 months and it is done beyond one year by the revisional authority and holding that the revisional authority has no power to revise the punishment imposed after expiry of six months, set aside the order of punishment of dismissal from service and restored the earlier punishment of debarring the first respondent from appearing for recruitment examination for a period of three years. The learned counsel appearing for the petitioners would submit that the appellants have got ample power to suo motu review the order of the disciplinary authority, within a reasonable time, however, the Tribunal has misconceived that the powers given to the revisional authority under Rule 29 of CCS (CCA) Rules, 1965 and Rule 19 of GDS (Conduct and Employment) Rules, 2011 is one and the same and set aside the order of dismissal from service.

5. After having heard the learned counsel appearing for the parties and going through the materials available on record, we feel that considering the gravity of the misconduct involved in the case on hand, such a leniency ought not to have been shown to the first respondent. Therefore, we hold that in addition to the punishment of debarring from appearing for the recruitment examination for a period of three years as restored by the Tribunal, the first respondent would be imposed with a punishment of stoppage of increment for two years with cumulative effect, however, the order of reinstatement passed by the Tribunal hold good.

6. The writ petition is allowed in part to the extent indicated above. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

ssk.

To:

- 1 Post Master General
Western Region (TN) Coimbatore 641 002
- 2 The Inspector (Post)
Adhoc Disciplinary Authority
Krishnagiri East Sub-Division Krishnagiri 635 001
- 3 The Inspector (Post)
Krishnagiri East Sub-Division Krishnagiri 635 001
- 4 Central Administrative Tribunal, Madras Bench,
Registrar,
High Court Chennai 600 104

+1cc to Mr.Venkataswamy Babu, Advocate SR.No.83749

+1cc to Mr.R.Malaichaamy, Advocate SR.No.83601

W.P.No.26118 of 2017

GN(18/01/2018)

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