

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/20/827/2020

HYDERABAD, this the 1st day of April, 2022



Hon'ble Mr. Ashish Kalia, Judl. Member

G Srinivasu, S/o. Narayana Rao,
Aged about 42 years, Occ: LSG Postal Assistant,
Head Post Office, Tadepalligudem-534 101.

... Applicant

(By Advocate : Dr. A. Raghu Kumar)

Vs.

1. Union of India, rep by its Secretary,
Department of Posts, Dak Bhavan,
New Delhi - 110001.
2. The Chief Postmaster General,
Andhra Pradesh Circle, Vijayawada-520003.
3. The Director of Postal Services,
O/o. Postmaster General,
Vijayawada Region, Vijayawada-520003.
4. The Superintendent of Post Offices,
Tadepalligudem Division, Tadepalligudem-534101.

... Respondents

(By Advocate: Mr. B. Siva Sankar)

ORAL ORDER

(As per Honøble Mr. Ashish Kalia, Judl. Member)

The present O.A. is filed seeking the following reliefs:



1. to call for the records pertaining to the 4th respondent final orders in Memo. No.B-239 dated 20.03.2020 imposing the penalty of reduction of pay by one stage from Rs.53,600/- to Rs.52,000/- and 3rd respondent Memo.No.ST-IV/13/06/2020 dated 07.09.2020 rejecting the appeal of the applicant and quash and set aside the same as illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India and rules on the subject matter in the interest of justice. ö

2. The brief facts of the case are that the applicant initially joined as Postal Assistant on 30.04.1997. He has been working as LSG Postal Assistant, Head Post Office, Tadepalligudem since 26.5.2018. He is also working as President, All India Postal Employees (AIPEU) Class-III Union of Tadepalligudem Division. While the applicant was officiating as Head Postmaster on 23.01.2020, there was a request from the All India Postal Employees Union (AIPEU) Class-III local Unit to hold a meeting after 18.00 hrs in the Post Office premises of Tadepalligudem Head Post Office on 23.01.2020. In accordance with the existing DG P&T No.16-2/61-SR dated 31.8.1961, the applicant granted permission to the AIPEU Recognized Service Union to convene normal Union meeting in the premises of Tadepalligudem HO. According to the applicant, his action is in order and there is no element of misconduct. In this context, he was issued with a charge memo dated 4.3.2020 on the charge that he had permitted the AIPEU representatives to conduct Union meeting in the premises of Tadepalligudem HO without obtaining prior permission from the Divisional Head. The applicant submitted his statement of defence to



the charge memo vide representation dated 19.3.2020 duly explaining the fact that as a local head of the Head Post Office, he has granted permission for convening the meeting after 18.00 hrs under existing convened provisions. It is submitted that no Union meeting was held on 23.1.2020 and it was postponed to some other day. Ultimately, vide order dated 20.03.2020, penalty of reduction of pay by one stage from Rs.53,600/- to Rs.52,000/- for a period of one year w.e.f. 1.4.2020 was imposed. The applicant made an appeal which was rejected by the Appellate Authority vide order dated 7.9.2020. Hence, the applicant has approached this Tribunal for redressal of his grievance.

3. Notices were issued. Respondents have filed a detailed reply, opposing the O.A. Learned counsel for the respondents submitted that the applicant allowed the AIPEU Union members to conduct union meeting in the premises of HO on 23.1.2020 while he was working as officiating Postmaster, Tadepalligudem HO. He did so on his own without taking prior permission from the competent authority i.e. Superintendent of Post Offices, Tadepalligudem Division is the main contention of the respondents.

4. Heard the learned counsel for the parties and perused the pleadings on record.

5. The short point falls for adjudication in this O.A. is whether the applicant is liable to be awarded minor penalty for such an innocuous mistake committed by him believing that he is the Local Head of Office and can grant permission to a Recognized Union to conduct meeting in the office premises, that too after office hours. Learned counsel for the

applicant Dr. A. Raghu Kumar has drawn the attention of this Tribunal to Annexure-III which contains the instructions for holding of meetings by the recognized Trade Unions in office premises and the remarks of competent authority thereon. Same are extracted hereunder:



“1. Holding of meetings by the recognized Trade Unions in office premises

XXXXXXXX XXXXXX XXXXXXXXXX the P&T Unions and Associations may, on obtaining the prior permission of the local Head of Office after showing him the Agenda of the meeting, hold meetings in office premises. The grant of permission will in all cases be subject to the conditions that the security of the premises is not interfered with, that the sanctity of the office premises is maintained and that there is no disturbance to office work. XXXXXXXX

Remarks of competent authority (with regard to seeking permission to conduct meeting)

As per the rule No.16-2/61-SR dated 31.8.61, Unions may conduct meetings in the office premises with the permission of the Head of the Local Officer.ö

6. A conjoint reading of the above shows that permission can be granted by the Local Head of Office to conduct meeting of the Union. Sri B. Siva Sankar, learned counsel for the respondents opposed this application and submitted that the applicant is not the Local Head of Office and prior permission needs to be taken from the Superintendent of Post Offices, Tadepalligudem Division. He could not satisfy this Tribunal on this count. Be that as it may, the applicant, being the Local Head of Office, granted permission to conduct Union meeting in a good faith, which is as per the instruction/ rule cited above. Respondents have not attributed any malafide to the applicant. Union activities are permissible under the Constitution of India, which cannot be termed as illegal. They are legal per se. Besides, the applicant is a regular

employee and cannot be awarded penalty, without affording an opportunity to be heard.

7. In view of the foregoing reasons, the Original Application succeeds. This Tribunal is of the view that the impugned orders are liable to be set aside. Accordingly, they are set aside. The applicant be given all consequential benefits within four months from the date of receipt of a copy of this order. There shall be no order as to costs.



(ASHISH KALIA)
JUDICIAL MEMBER

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