



2025:DHC:785-08



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

*Reserved on: 09<sup>th</sup> January 2025*

*Date of Decision: 10<sup>th</sup> February 2025*

+ W.P.(C) 8259/2016

S.K. SINGHAL

.....Petitioner

Through: Mr. S.S. Tiwari, Adv.

versus

UNION OF INDIA & ORS

.....Respondents

Through: Mr. Tanveer Ahmed Ansari, Sr.  
PC for UOI

**CORAM:**

**HON'BLE MR. JUSTICE C.HARI SHANKAR**

**HON'BLE MR. JUSTICE AJAY DIGPAUL**

**JUDGMENT**

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**10.02.2025**

**AJAY DIGPAUL, J.**

1. The petitioner has filed the present writ petition under Article 226 of the Constitution of India Read with Article 227 of The Constitution Of India challenging the order dated 10.09.2015 passed by the Central Administrative Tribunal<sup>1</sup>, Principal Bench, New Delhi in Review Application<sup>2</sup> 233/14 in Original Application<sup>3</sup> 105/08 and order dated 21.11.2014 in OA 105/08 whereby, the Tribunal had dismissed the RA as well as the OA of the petitioner.

2. Briefly stated facts of the case are that the Petitioner was appointed as a Postal Assistant in the India Post on 11.09.1981.

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<sup>1</sup> "the Tribunal", hereinafter

<sup>2</sup> "RA", hereinafter

<sup>3</sup> "OA", hereinafter



Thereafter, the Petitioner was serving as a Sub Post Master<sup>4</sup> at Jenhangirpur till the year 2005. Vide order dated 11.11.2005, the Petitioner was transferred to Senior Superintendent of Post Office<sup>5</sup>, Bulandsahar, Uttar Pradesh on administrative grounds.

3. The Respondent No. 4 in exercise of the powers conferred by clause (a) of sub-rule 1 of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules<sup>6</sup>, 1965 suspended the Petitioner vide an order simpliciter dated 24.11.2005.

4. The Petitioner was served with a charge sheet dated 23.03.2006 issued under Rule 14 of the CCS (CCA) Rules, 1965. The contents of the charge sheet are reproduced hereunder: -

***“Statement of imputation of misconduct or misbehavior against Sh. S.K. Singhal designated P.A. Bulandsehar HO.***

***ARTICLE – I***

*That the said Shri S.K. Singhal while working as SPM Jahangirpur on 01.01.05 charged a payment of ₹21,342/- from Jahangirpur one-year TD account no.130687 while depositor already expired on 14.09.2004.*

*Therefore, it is alleged that in doing so the said Shri S.K. Singhal committed grave misconduct and caused a loss of ₹21,432/- to the department and violated the provision of Rule no.115(1)(III) and 2 of PO SB Man. Vol. I and also failed to maintain absolute integrity, devotion to duty as required under Rule 3(1)(i), (ii) of CCS (Conduct) Rules, 1964.*

***ARTICLE – II***

*That the said Shri S.K. Singhal while working as SPM Jahangirpur during the period from April 05 to Oct.05 allowed the balance more than the prescribed limit of ₹ 1 (one) lac by depositing heavy amounts in Jahangirpur SB a/c no. 4605567 on 16.4.05, 24.5.05, 7.6.05, 13.6.05, 23.6.05, 24.6.05, 14.10.05 & 19.10.05.*

*Therefore, it is alleged that the said Shri S.K. Singhal in doing so violated the provisions of Rule no. 4[Table item no.1 single*

<sup>4</sup> “SPM”, hereinafter

<sup>5</sup> “Respondent No. 4”, hereinafter

<sup>6</sup> “CCS (CCA) Rules”, hereinafter



*account (a)] of the Post Office Savings Accounts Rules, 1981 and also failed to maintain absolute integrity and devotion to duty as required under Rule 3(1)(i)&(ii) of CCS (Conduct) Rules, 1964.”*

5. Thereafter, an enquiry was conducted against the Petitioner and after considering the evidence on record *inter alia* transaction lists, log books, account details, statement of witnesses, and the death certificate of the deceased Account Holder it was observed by the Enquiry Officer that Charge – I leveled against the Petitioner was not proved as the death of the Account Holder was not proved. In Charge – II mentioned in Article – II it was observed by the enquiry officer that the balance exceeded the prescribed limit of ₹ 1 lakh was also not proved and hence, order of suspension was revoked by the Respondent No.4 vide its order dated 23.02.2006 in exercise of its powers conferred by clause (c) of sub-rule (5) of Rule 10 of CCS (CCA) Rules, 1965.

6. The Respondent No.4 disagreed with the findings of the Enquiry Officer on the ground that the death certificate was attested by Post Superintendent and Assistant Postal Superintendent and therefore, it cannot be a false document. A disagreement note dated 21.02.2007 was issued by the Respondent No.4 directing the Petitioner to file a reply within a period of 15 days. The Petitioner filed a reply on 27.02.2007 and additional reply was filed on 28.02.2007.

7. The Disciplinary Authority<sup>7</sup> vide its order dated 31.05.2007 imposed a minor penalty on the Petitioner of reduction of pay by one stage i.e. from ₹6,000/- to ₹5,875/- within the pay scale of ₹4500-125-7000 (pre-revised) for a period of one year. It was observed by the DA

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<sup>7</sup> “DA”, hereinafter



that the issuing authorities have not verified the death certificate. The observations of the DA are reproduced hereunder: -

*I have gone through the charges leveled against the official, his written representation and IO reports and found that, in Article-I the IO has reported that the death certificate (Exhibits K-8) could not be verified by the issuing authorities. In defence the accused official presented three witnesses, who have intimated in their statements that the death certificate is totally forged. I have carefully examined the death certificate, which has been verified by Gram Pardhanhasanpur o 14.11.05. The death certificate has been also been verified by mail overseer Kharja Sub Dn and countersigned by ASPQs Khurja. Now a question raised that, if postal authorities have verified the death certificate. Although its issuing authorities have not verified the death certificate, though it cannot be realized that the death certificate is totally forged. Therefore, the charge leveled against official in Article-I has been proved partially.*

*In Article-II, the IO has reported that there is no need to inquire, the transactions of deposit & Withdrawal in saving accounts. I agreed with statement of IO, but in actually the official was charge sheeted for allowing the balance more than prescribed limit of 1 Lakh in. account No. 4605567 in various dates, while it was single account. There are clear instructions in saving rules that a sum of ₹ 1 Lakh may be deposited, in a single account. But due to not taking in writing that no such interest will be. paid for balance more than ₹ 1 Lakh a single account, the depositor can claim the interest of all amounts. Therefore, the charge leveled in article -II is fully proved.*

*As the charge in Article- I -was of serious nature, although due to non-receiving any claim for sanction, it seems that the amount has been paid to the family members of depositor and therefore there is no loss to Govt, though the official deserve service punishment.*

8. Subsequently, the Director Postal Services, Office of Post Master General, Agra Region, Agra, Uttar Pradesh<sup>8</sup> issued a Show Cause Notice<sup>9</sup> to the Petitioner to show cause as to why the punishment inflicted on him should not be enhanced. A detailed reply dated 30.08.2007 was submitted by the Petitioner. Also, a

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<sup>8</sup> "Respondent No.3", hereinafter

<sup>9</sup> "SCN", hereinafter



supplementary representation was submitted by the Petitioner on 01.09.2007 to Respondent No.3.

9. The Respondent No.3 in terms of Rule 29<sup>10</sup> of CCS (CCA) Rules, 1965 vide the impugned order dated 22.10.2007, enhanced the punishment of the Petitioner from “*Reduction in pay by one stage*” to “*Dismissal from service*”.

10. Aggrieved by the impugned order dated 22.10.2007, the Petitioner preferred the OA bearing No. 105/2008 and the same was partly allowed vide its order dated 10.07.2008 and the SCN issued by

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**<sup>10</sup>29. Revision**

(1) Notwithstanding anything contained in these rules-

(i) the President; or

(ii) the Comptroller and Auditor-General, in the case of a Government servant serving in the Indian Audit and Accounts Department; or

(iii) the Member (Personnel) Postal Services Board in the case of a Government servant serving in or under the Postal Services Board and Adviser (Human Resources Development), Department of Telecommunications in the case of a Government servant serving in or under the Telecommunications Board; or

(iv) the Head of a Department directly under the Central Government, in the case of a Government servant serving in a department or office (not being the Secretariat or the Posts and Telegraphs Board), under the control of such Head of a Department; or

(v) the appellate authority, within six months of the date of the order proposed to be revised or

(vi) any other authority specified in this behalf by the President by a general or special order, and within such time as may be prescribed in such general or special order;

may at any time, either on his or its own motion or otherwise call for the records of any inquiry and revise any order made under these rules or under the rules repealed by rule 34 from which an appeal is allowed, but from which no appeal has been preferred or from which no appeal is allowed, after consultation with the Commission where such consultation is necessary, and may-

(a) confirm, modify or set aside the order; or

(b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or

(c) remit the case to the authority which made the order to or any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case; or

(d) pass such other orders as it may deem fit:

Provided that no order imposing or enhancing any penalty shall be made by any revising authority unless the Government servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clauses (v) to (ix) of rule 11 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those clauses, and if an inquiry under rule 14 has not already been held in the case no such penalty shall be imposed except after an inquiry in the manner laid down in rule 14 subject to the provisions of rule 19, and except after consultation with the Commission where such consultation is necessary :

Provided further that no power of revision shall be exercised by the Comptroller and Auditor-General, Member (Personnel), Postal Services Board, Adviser (Human Resources Department), Department of Telecommunications or the Head of Department, as the case may be, unless-

(i) the authority which made the order in appeal, or

(ii) the authority to which an appeal would lie, where no appeal has been preferred, is subordinate to him.

(2) No proceeding for revision shall be commenced until after-

(i) the expiry of the period of limitation for an appeal, or

(ii) the disposal of the appeal, where any such appeal has been preferred.

(3) An application for revision shall be dealt with in the same manner as if it were an appeal under these rules.



revisional authority was set aside. The Tribunal observed that the order dated 22.10.2007 was passed without jurisdiction and in nullity was not issued by Chief Post Master General<sup>11</sup> or Postal Circle Management Group<sup>12</sup> as per the SO No.1279<sup>13</sup> *ibid*.

**11.** Further, the Petitioner was directed to be reinstated in service with all consequential benefits. The relevant portion of the order, partly allowing the OA, is reproduced hereunder: -

*"11. On careful consideration of the case, we find that the order dated 22.10.2007 passed by the Director Postal Services is without jurisdiction, and in nullity as was not issued by CPMG or PCMG as per the SO No. 1279 *ibid*. Director Postal Services not though competent, has in misconception ordered to resume the proceedings and as such, show cause notice issued by the aforesaid authority and its confirmation by imposing punishment of dismissal cannot be sustained in law.*

*12. Liberty in law may be a right of the respondents but it has to be operated in accordance with rules. As the original punishment imposed upon the applicant is dated 31.5.2007, now if we remit back the case giving liberty to the respondents to exercise the power of review, there would be a time gap of six months which is maximum time limit laid down under Rule 29 of CCS (CCA) Rules, 1965 to revise the order passed by the subordinate authorities, in such view of the matter, we cannot byway of remitting back the case can go against the statute and legalise an action which is wholly without jurisdiction in so far as time limit to exercise power of revision is concerned. Maintaining the original punishment, this OA is partly allowed. Show cause notice issued by revisional authority as confirmed in Annexure A-2 is set aside. Applicant is directed to be reinstated in service with all*

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<sup>11</sup>“CPMG”, hereinafter

<sup>12</sup> “PCMG”, hereinafter

<sup>13</sup>“10 Revising Authority in Department of Posts-No. S.O. 1279. dated 9-6- 2001- In exercise the powers conferred by Clause (VI) of sub-rule (1) of Rule 29 of the Central Civil Services (Classification, Control and Appeal)Rules, 1965, the President hereby specifies that in the case of a Government servant serving in the Department of Posts for whom the Appellate Authority is subordinate to the authority designated as the Principal Chief Postmaster-General or the Chief Postmaster-General (other than the Chief Postmaster-General .of Senior Administrative Grade) of a Circle, the said Principal Chief Postmaster-General or the said. Chief Postmaster-General, as the case may be, shall be the revising authority for the purpose of exercising the powers under the said Rule 29.”



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*consequential benefits within two months from the date of receipt of the copy of this order. No costs.”*

**12.** The Respondents challenged the order dated 10.07.2008 before this Court by filing Writ Petition W.P.(C) 6181/2011. By order dated 06.12.2013, this Court remanded the matter for fresh adjudication, noting that the Office Memorandum dated 29.05.2001 had been struck down by the Gujarat Bench of the Central Administrative Tribunal, and the decision was upheld by the Hon'ble Supreme Court in Civil Appeal No. 2606/2006. This Court refrained from expressing any opinion on the merits of the case, leaving all contentions open, and consequently, set aside the order dated 10.07.2008. Following this, the Petitioner filed OA No. 105/2008, challenging the punishment orders passed by the DA on 31.05.2007 and the Appellate Authority<sup>14</sup> on 22.10.2007. The grounds raised by the Petitioner are outlined below:

2. *The applicant has challenged both the orders of the Disciplinary Authority (DA) as well as the Appellate Authority (AA) through this O.A. on the following grounds:-*

(i) *Respondent No.3 was not competent to exercise powers under Rule-29 of CCS (CCA) Rules in terms of Notification dated 29.05.2001.*

(ii) *The disagreement note issued by the DA was against the law declared by Hon'ble Supreme Court in the case of Yoginath D. Badre Vs. State of Maharashtra &Anr., 1999(7) SCC 739 as the disagreement was not tentative.*

(iii) *The respondents failed to take into account that father of the deceased had stated that Sh. Harveer Singh had expired only on 20.01.2005. After this deposition no case was made out against the applicant in so far as Article-I of the Charges is concerned. Even the wife of Sh. Sukhbir Singh had written to the respondents that her husband had expired only on 20.01.2005 and also supplied a copy of the death certificate.*

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<sup>14</sup> “AA”, hereinafter



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(iv) *The punishment inflicted on the applicant is highly excessive and is not commensurate with the gravity of the charge.*

(v) *The signature of the depositor Sh. Harveer Singh on the withdrawal form was matching with the specimen signature on record. Under Rule-36 of the Postal Manual this was verified by Sh. Mahinder Singh, CDS, who stated so before the EO. In view of this evidence, no charge in so far as Article-I is made out against the applicant.*

(vi) *As far as Article-11 is concerned while there was limit of one matter prescribed for deposition in the account, there was no bar from depositing the amount beyond the prescribed limit. The only stipulation was that as per Savings Account Rules, the respondents were not required to pay on the excess amount.*

**13.** The Respondent filed their reply dated 29.05.2008 and additional replies dated 02.07.2013, 02.08.2014 reproduced herein under: -

(a) *The death certificate of Shri Sukh Veer Singh S/o Shri HarVeer Singh showing date of death dated 14.9.04 issued by Gram Ponchayot Vikas Adhikori, Gram Panchayat Hasanpur, Vikos Khan Khurjo was verified by Mail Overseer Khurja, ASPOs Khurjo& also attested by Smt. Raj Bala, the then Gram PardhanHasanpur, may not be treated as false, while there is no other death certificate is available of other date.*

(b) *The IO has reported in his report that there is no need to inquire the balance of on account deposited in a account beyond the prescribed limit, while as per Saving Bank ruling no depositor is allowed to deposit the amount more than ₹1 lac in a single account. You have allowed the depositor to deposit the amount more than ₹ 1 Lac on several dates, why? The applicant was allowed to submit his representation against the some which he did on 28.02.2007. After taking into account his submissions, a punishment of reduction to lower stage in the time scale by one step for a period of one year with the stipulation that he will not earn any increment during such period was awarded to him. Further, it was ordered that his suspension period shall be treated as duty but payment during the same period shall be limited to subsistence allowance already paid.*

*'The applicant did not submit any appeal against the aforesaid decision but the Director Postal Services reviewed the case and awarded punishment of dismissal from service on 22.10.2007.*



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*The respondents have stated that even the post work of the applicant was got verified and it was found that he had misappropriated on amount of ₹ 10,50,850/- showing fraudulent discharge of Kison Vikas Patras. The respondents have also stated that the AA is competent to revise the punishment order in exercise of powers conferred under Rule 29(1)(v) of CCS(CCA) Rules.”*

**14.** The Tribunal dismissed the OA filed by the Petitioner herein vide its order dated 21.11.2014 observing that none of the grounds taken by the Petitioner, thereafter, are valid. The Petitioner thereafter, preferred a review application bearing RA No. 233/2014 against the order dated 21.11.2014; however, the same was also dismissed vide its order dated 10.09.2015. Observations of the Tribunal while dismissing the RA affirm that it is not within its jurisdiction to reappraise evidence or substitute the judgment of the Disciplinary or Appellate Authorities. The death certificate presented was sufficient for the authorities to rely upon, and the applicant's claims regarding its genuineness do not alter the outcome.

**15.** The Petitioner, Mr. S.K. Singhal, through the instant Writ Petition is seeking the following reliefs: -

- a) Set aside and quash the impugned order dated 10.09.2015 in RA 233/2014 in OA 105/2008 passed and order dated 21.11.2014 in OA 105/2008 passed by Learned Tribunal.
- b) Set aside & quash, the impugned penalty orders dated 31.05.2007 and 22.10.2007.
- c) As a consequence of relief, a & b, being granted, the respondents may be directed to reinstate the petitioner along with all consequential benefits.



- d) Issue Rule *Nisi* in terms of prayer (a) & (b) above.
- e) Award costs.
- f) Pass any other writ/order or directions as may be deemed just & proper in the facts and circumstances of the case.

16. We have heard the learned Counsel for the parties and have perused the material on record.

17. The main challenge of the Petitioner to the impugned judgement is on the following points:

- (i) The disagreement note was not tentative, violating the law declared by the Supreme Court in *Yoginath D. Bagde vs. State of Maharashtra*<sup>15</sup>.
- (ii) The Director Postal Services was not competent to exercise powers under Rule-29 of CCS (CCA) Rules.
- (iii) The death certificate relied upon by the department was unreliable and that the punishment was excessive and not commensurate with the gravity of the charge.
- (iv) The rules allowed for excess deposits in the Savings Bank account, with the stipulation that no interest would be paid on the excess amount.
- (v) The punishment awarded was disproportionate to the misconduct.

18. We are of the view, that the disagreement note issued by the DA was tentative and allowed the petitioner to submit his representation. The Tribunal's finding that the disagreement note was in conformity with the law declared by the Supreme Court in *Yogi*

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<sup>15</sup> (1999) 7 SCC 739



*Nath D. Bagde* is upheld. The disagreement note provided to the petitioner clearly outlined the points of disagreement and sought his response, thereby, adhering to the principles of natural justice. The petitioner was given an opportunity to present his case, and the DA's disagreement was not a mere formality but a genuine consideration of the petitioner's representation.

**19.** We find that the Director Postal Services was competent to enhance the punishment under Rule-29(1)(v) of CCS (CCA) Rules, 1965 as he was the AA. The Tribunal correctly interpreted the statutory provisions, and the petitioner's argument that only CPMG/PMG was competent is not tenable. It is noteworthy that the petitioner has not disputed the fact that the Director Postal was not his AA at the relevant time.

**20.** Rule-29(1)(v) of CCS (CCA) Rules, 1965 clearly empowers the AA to revise the order of the DA within six months. The statutory notification issued under Rule-29(1)(vi) does not override the provisions of Rule-29(1)(v) but rather supplements it by specifying additional authorities who can exercise such powers. Therefore, the Director Postal Services, being the AA, was within his rights to enhance the punishment.

**21.** The petitioner raised doubts about the correctness of the death certificate, but he failed to provide any alternative evidence to substantiate his claim. The DA and AA's reliance on the official death certificate, which was verified by multiple authorities, was reasonable and based on substantial evidence.

**22.** We are of the view that the punishment of dismissal from service was proportionate to the charges proved. The petitioner's



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argument that the punishment was excessive is not supported by the facts and circumstances of the case. The charges against the petitioner involved serious misconduct, including financial irregularities and violation of departmental rules. The punishment of dismissal from service is commensurate with the gravity of the misconduct and serves as a deterrent against similar violations.

**23.** In view of the above analysis, we find no merit in the petitioner's contentions. The Tribunal's decision is based on a correct interpretation of the law and a proper appreciation of the evidence on record. There is no procedural or substantive error warranting interference by this Court.

**24.** The writ petition is dismissed. The orders dated 21.11.2014 and 10.09.2015 passed by the Central Administrative Tribunal, Principal Bench, New Delhi, in OA No. 105/2008 and RA No. 233/2014 is upheld. No costs.

**AJAY DIGPAUL, J.**

**C.HARI SHANKAR, J.**

**FEBURARY 10, 2025/sk/AS**

*[Click here to check corrigendum, if any](#)*