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

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*Judgment reserved on: 21.01.2026*

*Judgment pronounced on: 06.02.2026*

*Judgment uploaded on: 06.02.2026*

+ W.P.(C) 1170/2008

MAN SINGH

.....Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar Utkarsh and Manoj Kumar, Adv.

versus

UOI & ORS

.....Respondents

Through: Mr. T. P. Singh, SCGC for UOI.

**CORAM:**

**HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**HON'BLE MR. JUSTICE ANISH DAYAL**

**JUDGMENT**

**ANIL KSHETARPAL, J.**

1. By invoking jurisdiction under Article 226 of the Constitution of India, the Petitioner calls in question the correctness of the orders dated 19.04.2006 and 21.07.2006 [hereinafter referred to as 'Impugned Orders'], passed in O.A. No.1033/2005 and R.A. No.99/2006 in O.A. No.1033/2005, respectively, by the learned Central Administrative Tribunal, Principal Bench, New Delhi [hereinafter referred to as 'the Tribunal'].

2. *Vide* the Impugned Order dated 19.04.2006, the Tribunal declined to quash the Punishment Order dated 30.06.2004 [hereinafter referred to as 'Punishment Order'] and the Appellate Authority Order dated 22.11.2004 [hereinafter referred to as 'AA Order']. By the



Punishment Order, the Senior Superintendent of Post Offices, Mathura Division, Mathura [hereinafter referred to as ‘SSPO’], imposed upon the Petitioner the penalty of “Dismissal from service”, which came to be upheld by the AA Order.

3. The issue that arises for consideration before this Court is whether the Tribunal was justified in law in declining to quash the Punishment Order and the AA Order, imposing and upholding the penalty of dismissal from service, as affirmed *vide* the Impugned Orders.

### **FACTUAL MATRIX:**

4. In order to appreciate the issue arising in the present case, it is necessary to advert to the relevant facts briefly.

5. At the relevant time, the Petitioner was working as a Sub-Postmaster at Mathura Refinery, Mathura. During the course of an annual inspection conducted on 05.10.1996 by the concerned Sub-Divisional Inspector, Mathura East Sub-Division, Mathura, under whose jurisdiction the Mathura Refinery Post Office was situated, it was noticed that an amount of Rs.2,71,904.90/- remained unaccounted for. A show-cause notice was thereafter issued to the Petitioner, to which he responded by way of a written statement dated 05.10.1996, admitting that the said amount had been utilised for the treatment of his wife. Thereafter, the Petitioner was placed under suspension, and an FIR was also registered against him. The Petitioner was subsequently served with the following memorandum of charges:



*“(i) Shri R. N. Yadav the then S.D.I.(E) Mathura while carrying out the inspection of Mathura Refinery P.O. on 5-10-96 found cash and stamps balance of Rs.75380/- instead of 3,47,292-90 with the charged official at the close of 5.10.96 S.O. account was also not filled up after 27.9.96. The charged official also wilfully absented from duty from the next working day.*

*(ii) The charged official retained cash in excess of authorised balances without recording the reasons on the short and resulting a loss of Rs.2,71,904.90 to the Govt.*

*(iii) The charged official while working as S.P.M. Mathura Refinery from Nov.95 to Oct.96 had shown the superfluous S.O. Daily A/Cs to facilitate him to keep cash short and resulting a loss of Rs. 2,71,904.90 to the Govt.”*

6. The Petitioner was directed to submit his written statement of defence within ten days of receipt of the memorandum of charges, however, no such statement was filed. Thereafter, an Enquiry Officer [hereinafter referred to as ‘EO’] was appointed, and a Departmental Enquiry [hereinafter referred to as ‘DE’] was initiated. On a representation made by the Petitioner alleging apprehension of bias, the EO was changed.

7. The Petitioner again sought a change of the EO on the ground of bias. The said representation was rejected. The Petitioner thereafter filed an O.A. seeking a stay of the DE, which also came to be dismissed. Subsequently, upon the superannuation of the EO, a new EO was appointed.

8. The Petitioner once again moved an application seeking change of the EO on the allegation of bias. The said request was rejected and the EO was directed to proceed with the enquiry. The Petitioner was informed accordingly and was required to participate in the proceedings.



9. *Vide* Enquiry Report dated 06.05.2004, the imputations against the Petitioner were held to be proved. A copy of the Enquiry Report was supplied to the Petitioner, granting him fifteen days' time to submit his representation. The Petitioner submitted his representation on 01.06.2004.

10. Upon consideration thereof, the SSPO, *vide* the Punishment Order, imposed the penalty of "dismissal from service" upon the Petitioner, which was upheld by the AA Order. The said orders were subsequently upheld by the Tribunal *vide* Impugned Order dated 19.04.2006.

### **CONTENTIONS OF THE PARTIES:**

11. Heard learned counsel representing the parties at length and, with their able assistance, perused the paperbook.

12. The only submission advanced by the learned counsel for the Petitioner is that the Punishment Order was passed by an authority not competent to do so. It is contended that the Petitioner had been granted a Time-Bound One-Promotion [hereinafter referred to as 'TBOP']. Consequently, according to the Petitioner, the Disciplinary Authority stood altered and the SSPO could not have passed the Punishment Order.

13. *Per contra*, learned counsel appearing for the Respondents submits that TBOP is only a financial upgradation and does not result in any change in the Appointing Authority or the Disciplinary Authority of the Petitioner. In support of this submission, reliance is



placed on paragraph 4.10 of the counter affidavit, wherein it is stated that the Petitioner was dismissed from service by the SSPO, who was the Divisional Head and the competent authority. Paragraph 4.10 of the counter affidavit is extracted hereunder:

*“4.10 That the contents of the corresponding para are wrong, misleading and misconceived and hence vehemently denied. The plea of the applicant is whimsical because the appointing authority of a TBOP official is Supdt./Sr. Supdt. Being a Divisional Head the SSPO's Mathura is empowered to impose all penalties on the applicant as per DG posts New Delhi Comm. No.12/8/87-Vig III dt. 12.10.89 marked as Annexure-R-4. The applicant is not a LSG Official but he is a TBOP official. The TBOP is not a promotion in LSG cadre but it is only a financial upgradation.”*

### **ANALYSIS AND FINDINGS:**

14. This Court has considered the submissions advanced by learned counsel for the parties. The order granting TBOP dated 17.08.1988 to the Petitioner was placed on record before the Tribunal as Annexure-A13. The said order is in two parts. The name of the Petitioner figures in Part-II thereof. A perusal of Annexure-A13 shows that upon completion of sixteen years of service, the Departmental Promotion Committee recommended that certain officials, including the Petitioner, be placed in the next higher grade in the pay scale of Rs.1400–2300 with effect from the due date. The said placement was under the TBOP scheme.

15. It is the categorical stand of the Respondents that the Petitioner was never promoted to the Lower Selection Grade (LSG). The benefit granted to him was only under the TBOP scheme. The said scheme provided merely for financial upgradation. It did not amount to a regular promotion.



16. Annexure-A14, filed before the Tribunal, clarifies the position regarding the appointing authority in respect of the LSG cadre. It records that upon divisionalisation, the Divisional Head became the appointing authority for LSG officials only with effect from 08.07.1989. The said clarification is confined to officials regularly appointed to the LSG cadre and does not extend to cases of financial upgradation.

17. In the present case, the Petitioner was never regularly promoted to the LSG cadre. His placement under the TBOP scheme did not result in any change of cadre, post, or appointing authority. The grant of TBOP was only a financial upgradation and did not alter the disciplinary control applicable to the Petitioner.

18. It is not in dispute that the Petitioner continued to hold the substantive post of Sub-Postmaster. The SSPO, Mathura, being the Divisional Head, remained the competent Disciplinary Authority in respect of the said post. The Punishment Order, therefore, cannot be faulted on the ground of lack of competence.

19. In view of the above, this Court finds no infirmity either in the Punishment Order or in the AA Order. The Tribunal rightly declined to interfere with the same.

### **CONCLUSION:**

20. For the reasons stated hereinabove, this Court is of the considered view that the present writ petition is devoid of merit.

21. Accordingly, the present writ petition is dismissed.



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22. There shall be no order as to costs.

**ANIL KSHETARPAL, J.**

**ANISH DAYAL, J.**

**FEBRUARY 06, 2026**

*s.godara/shah*