

**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE**

**ORIGINAL APPLICATION NO.170/00427/2019**

**DATED THIS THE 03<sup>rd</sup> DAY OF MARCH, 2020**

**HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER**

**HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER**

Sri N.C.Gojanur  
S/o. Channabasappa  
Aged: 63 years  
Retired EX GDS BPM  
Devanur B.O., Kundagol S.O.581113.  
Residing at: Devanur  
Kundagol SO-581113. ....Applicant

(By Advocate Sri P.Kamalesan)

Vs.

1. Union of India  
Represented by Secretary  
Department of Post  
Dak Bhavan, New Delhi-110001.

2. Chief Post Master General  
Karnataka Circle  
Bangalore-560001.

3. Post Master General  
N.K.Region, Dharwad-580001.

4. Senior Superintendent of Post Offices  
Dharwad Postal Dv.  
Dharwad-580008. ....Respondents

(By Advocate Sri K.Dilip Kumar, ACGSC)

O R D E R

(PER HON'BLE SHRI C.V.SANKAR, MEMBER (ADMN))

The applicant while working as GDS BPM at Devanur BO a/w Kundagol SO from 26.2.1979 to 5.7.2014 was issued with a memo dtd.27.11.2015(Annexure-A1) by the Sr.Superintendent of Post offices, Dharwad Postal Division(4<sup>th</sup> respondent)

under Rule 10 of GDS(Conduct & Engagement) Rules 2011. The applicant submitted a detailed reply on 8.3.2016(Annexure-A2). The Disciplinary Authority(DA) i.e. Sr.Suptd. of Post Offices, Dharwad vide memo dtd.1.7.2016(Annexure-A3) ordered for removal from engagement. When the applicant submitted appeal dtd.14.9.2016(Annexure-A4), the Appellate Authority i.e. Director of Postal Service, N.K.Region, Dharwad rejected the same vide memo dtd.20.1.2018(Annexure-A5). When he submitted a review petition on 19.7.2018(Annexure-A6), the Review Authority, Post Master General, N.K.Region, Dharwad rejected the said petition vide memo dtd.15.10.2018(Annexure-A7). The applicant submits that though the allegation for non-crediting the amount was only Rs.2200 as per the Articles of charges, he had credited Rs.5000 on 30.5.2014. In his reply, he accepted his negligence and requested to provide an opportunity for reforming and to take lenient view while imposing the punishment. The disciplinary authority without considering the other facts, mainly based on the admission of the applicant, imposed the severe punishment of 'removal from engagement' which is disproportionate to the guilt of the applicant. The appellate and reviewing authorities also in a routine manner have rejected the plea of the applicant. Hence, he filed the present OA seeking the following relief:

- a.
  - i. *Quash the Senior Superintendent of Post Offices, Dharwad Postal Dv. Dharwad-580008 Memo No.DWD/F-2/IV/Devanur/3 14-15 dated 1.7.2016 vide Annexure-A3.*
  - ii. *Post Master General, N.K.Region, Dharwad-580001 Memo No.NKR/STA/4/951/2017 dated 20.1.2018 vide Annexure-A5.*
  - iii. *Post Master General, N.K.Region, Dharwad-580001, Memo No.NKR/STA/4/789/2018 dated 15.10.2018 vide Annexure-A7.*
- b. *Grant relief by modifying the punishment of 'Removal from engagement' with appropriate any other punishment in the interest of justice and equity.*

2. Per contra, the respondents have submitted in their reply statement that during annual inspection of the Devanur BO on 29.5.2014, ASP(Dn.) had noticed non-credits in RD accounts to the tune of Rs.4100 on different dates spread over from 13.8.2012 to 26.4.2014. Hence, past work verification of the applicant who was engaged as GDS BPM at Devanur BO a/w Kundgol SO was carried out. After completion of verification, it was confirmed that the applicant had committed fraud in 6 RD accounts to the tune of Rs.6,821(Rs.4100 fraud + Rs.2721 interest/penal interest) on various dates. Based on which, the Sr.Supt. of Post Offices, Dharwad division initiated disciplinary proceedings under Rule-10 of GDS(Conduct & Engagement) Rules 2011 against the applicant and issued charge sheet vide memo dtd.27.1.2015. Accordingly, Inquiry Officer(IO) and Presenting Officer(PO) were nominated to complete the enquiry on 14.12.2015. During preliminary sitting on 9.1.2016, the applicant had admitted the charges unconditionally(Annexure-R1). The IO submitted the inquiry report on 25.2.2016 and the same was forwarded to the applicant for his defence. The applicant submitted his defence on 8.3.2016 wherein he agreed to the charges levelled against him and prayed for leniency in the punishment. After completion of all the due formalities under the departmental enquiry, the Sr.SSPOs, Dharwad has found that the applicant is guilty of the charges and issued final proceedings vide memo dtd.1.7.2016 ordering 'removal from engagement'. The appeal of the applicant was rejected by the appellate authority and his revision petition was also rejected by the revisionary authority.
3. The respondents submit that the plea of the applicant is not at all acceptable. The applicant has involved in embezzlement of public money in 6 RD accounts for Rs.4100. The charges in the case are related to breach of trust, lack of

integrity and moral turpitude. Therefore, considering the gravity of the offence, the punishment was imposed. Punishment awarded to the applicant is commensurate by all means to the nature of fraud committed by the applicant. After detection of fraud, the department's image has tarnished amongst the public, the humiliation and agony faced during those circumstances by the department cannot be compensated. Hence, the DA arrived at the decision that the continuation of the applicant in service will have deleterious effect on the financial discipline among co-employees and hence took a deterrent measure. Though the applicant had misappropriated in 6 RD accounts, in the charge sheet only 4 RD accounts were included (Article-I - 3 RD accounts for Rs.1200 & Article-II - 1 RD account for Rs.1000). As per the articles of charges, the applicant has misappropriated the deposits totalling to Rs.6821/- and he had voluntarily credited the said amount on various dates. Request letters from the applicant while crediting the amount are enclosed at Annexures-R2 & R3. Even though he had rendered 35 years of service, the penalty was imposed by considering the nature of fraud spread over the period from 13.8.2012 to 26.4.2014 and that too in different accounts on different dates. The integrity of the official is paramount. The nature of fraud does not deserve for any sympathetic consideration as he misused his position as Branch Postmaster. Had the fraud been not detected on 29.5.2014, the applicant would have continued to do huge fraud further. The penalty imposed by the DA is within the purview of GDS(C&E) Rules, 2011. The respondents have relied upon the decisions of this Tribunal in OAs.No.907/2013, OA.416/2016 & OA.880/2013 in support of their contentions and pray to dismiss the OA with exemplary costs.

4. We have heard the Learned Counsel for both the parties and perused the materials placed on record in detail. The issue is in a very small compass. The misappropriation in certain RD accounts were noticed for the period from August 2012 till April 2014 in different accounts on different dates. The applicant admitted the misappropriation unconditionally and requested for leniency in the punishment. In any number of similar cases, we have considered such an infraction as serious enough to allow the respondents to discipline the employees. As rightly contended by the respondents, the image of the department is tarnished by such behaviour of its employees and the decision of the disciplinary authority that the continuation of the applicant in service will have deleterious effect on the financial discipline among co-employees and hence a deterrent measure has been taken cannot be questioned. Therefore, the OA lacks merit and dismissed. No costs.

(C.V.SANKAR)  
MEMBER (A)

(DR.K.B.SURESH)  
MEMBER (J)

/ps/

**Annexures referred by the applicant in OA.No.170/00427/2019**

Annexure-A1: Sr.SPO Memo dtd.27.11.2015  
Annexure-A2: Reply of applicant dtd.8.3.2016  
Annexure-A3: Sr.SPO Memo dtd.1.7.2016

Annexure-A4: Appeal dtd.14.9.2016

Annexure-A5: PMG Memo dtd.20.1.2018

Annexure-A6: Revision Petition dtd.19.7.2018

Annexure-A7: PMG memo dtd.15.10.2018

**Annexures with reply statement:**

Annexure-R1: Letter dtd.9.1.2016

Annexure-R2: Request letter of the applicant dtd.30.5.2014

Annexure-R3: Request letter of the applicant dtd.10.9.2015

Annexure-R4: Order in OA.No.907/2013 dtd.23.8.2018

Annexure-R5: Order in OA.No.416/2016 dtd.13.3.2017

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