

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING : BILASPUR

Original Application No.203/00668/2018

Bilaspur, this Monday, the 18th day of November, 2019

HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE MR. B V SUDHAKAR, ADMINISTRATIVE MEMBER

Bhagwat Kumar Kumbhkar, S/o Late Ratanlal Kumbhkar, R/o Village and Post Office Bazar Charbhata Tehsil Sahaspur Lohara, District Kabirdham (C.G.) 491995 -Applicant

(By Advocate – Ms. Priya Mishra)

V e r s u s

1. The Union of India through the Department of Posts having registered office at Dak Bhavan, Sansad Marg New Delhi and at the Chief Post Master General, Chhattisgarh Postal Circle, Raipur 492001.
2. The Senior Superintendent, Department of Posts, Durg Division 490006.
3. The Sub Divisional Inspector, Department of Posts, Kawardha Region 491995 -Respondents

(By Advocate – Shri Vivek Verma)

O R D E R (O R A L)

By Ramesh Singh Thakur, JM.

This Original Application has been filed by the applicant challenging the order dated 31.01.2013 (Annexure A-2), whereby the Disciplinary Authority has passed the order of dismissal from engagement.

2. The applicant has, therefore, sought for the following reliefs:

“8.(i) That the respondent may be directed to call for the complete records of the case of the applicant including the departmental proceedings and enquiry and written short out of petitioner.

(ii) An appropriate direction/order be kindly passed to allow the petition of the applicant and the respondent authority may jointly or severally restrain the compulsory retirement to the applicant by quashing the impugned order dated 31/03/2013.

(iii) That in the alternative, if the applicant is found to be guilty at any stage of the proceedings, the penalty imposed on the applicant may be reduced to minor penalty.

(iv) Any other relief (s) as the court thinks fit in the circumstances of the case be also kindly granted.”

3. Brief facts of the case, as stated in the Original Application, are that the applicant was appointed as Gramin Dak Sevak (Mail Distributor/Mail Carrier) on 09.07.044 in the respondent department and thereafter he was posted in the capacity as Gramin Dak Sevak with the responsibilities of Executing Branch Postmaster, Mail Carrier and Mail Distributor from 13.06.2008 to 02.03.2010. The applicant was served with a chargesheet on 03.09.2011 (Annexure R-1) for misappropriation of Government money. Along with the chargesheet, list of documents and the list of witnesses were also served upon the applicant. Since the applicant has not filed

any response to the chargesheet, therefore, vide Annexure R-2 dated 31.12.2011, the Presenting Officer and the Inquiry Officer were appointed. On the preliminary hearing conducted on 13.03.2012 (Annexure R-11), the applicant appeared before the Inquiry Officer and admitted his guilt. Accordingly, inquiry report was submitted on 30.04.2012 (Annexure R-3) to which the applicant has also made his representation on 13.09.2012 (Annexure R-4). However, the Disciplinary Authority, vide order dated 12.09.2013 (Annexure A-3) has passed the punishment order whereby the applicant has been dismissed from engagement. Against the said punishment order, the applicant has filed appeal before the Appellate Authority (Annexure R-6), which has been dismissed vide Annexure R-7 dated 12.09.2013. Now, the applicant is before us.

4. The respondents have filed their reply, whereby they have submitted that there is inordinate delay of five years in filing this Original Application. On merits, the respondents have submitted that during the annual inspection/visit of the post office on 02.03.2010, the Sub Divisional Inspector (Postal) Sub Division, Kawardha, put off the applicant with immediate effect due to the several irregularity in his work. The applicant

received the amount of Rs.12,000/- from the account holder of Savings Account and made the entry in the passbook, however, he did not take the amount in the Government account. Similarly, on 15.12.2009, the account holder was paid Rs.4500/- and Rs.1200/- on 26.12.2009, but the applicant had not taken in Government account. Therefore, he has misappropriated amount of Rs.6300/-. It has been further submitted by the respondents that during the initial enquiry, the applicant has literally accepted all allegation levelled against him and also submitted his written admission letter. Therefore, after considering the admission of the applicant, the Disciplinary Authority has passed the punishment order dated 31.01.2013, which has also been affirmed by the Appellate Authority vide order dated 12.09.2013. The revision petition has also been rejected on 02.01.2017 (Annexure R-9), which has not been challenged in this Original Application.

5. The applicant has filed rejoinder to the reply filed by the respondents. It has been submitted by the applicant that Shri Balram Sahu was the enquiry officer and he had written the Annexure R-1 from his own hand writing and obtained the signature of the applicant and submitted the report on

13.03.2014. The applicant submits that he has not admitted any guilt and his signature has been obtained by the enquiry officer in a document written in his own writing, who has submitted his report, without conducting any enquiry. It has been further submitted by the applicant that he was not the regular Branch Post Master but was made to perform the additional duties of Branch Post Master having no training and knowledge of the said job profile.

6. We have heard the learned counsel for the parties and perused the pleadings and the documents available on record.

7. From the pleadings, it is clear that a chargesheet was issued to the applicant and the applicant has not submitted any reply to it. Accordingly, the respondent department have appointed the Inquiry Officer and the Presenting Officer. On the preliminary hearing on 13.03.2012, the applicant has admitted his guilt. The contention of the applicant that due to the assurance given by the authorities, his signature has been procured, however, we do not find any force in his contention because as per Annexure R-11 dated 13.03.2012, the applicant has himself written the letter to the Inquiry Officer that he accepts the charges levelled against him and does not want any

enquiry in the matter. Based on the application of the applicant, the Inquiry Officer submitted his report, which has been accepted by the Disciplinary Authority, who has passed the punishment order by dismissing his engagement. Though the applicant has raised various grounds in his appeal, however, the Appellate Authority did not find any substance on it as the applicant has voluntarily accepted the charges. The Revision Petition filed by the applicant has also been rejected on 02.01.2017, which has not been challenged in this O.A.

8. In view of the above, we do not find any reason to interfere with the impugned orders passed by the authorities. Accordingly, the O.A is dismissed. No costs.

(B V Sudhakar)
Administrative Member

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(Ramesh Singh Thakur)
Judicial Member