

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00329/2017

Date of Order: This, the 04th day of September 2019

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. NEKKHOMANG NEHSIAL, ADMINISTRATIVE MEMBER

Bishnu Rabha
S/o – Late Dhaniram Rabha
R/o – Vill. – Bhogdabari
P.O. & P.S. – Boko
Dist – Kamrup (R), Assam
Pin – 781123.

...Applicant

By Advocates: Sri J. Laskar and Sri A. Mubaraque

-VERSUS-

1. The Union of India
Represented by the Secretary
To the Government of India
Department of Post, New Delhi – 110001.
2. The Chief Post Master General
Assam Circle, Guwahati – 781001.
3. The Director of Postal Services
Guwahati – 781001.
4. The Senior Superintendent of Post Offices
Guwahati Division, Guwahati – 781001.

... Respondents

By Advocate: Sri R. Hazarika, Addl. CGSC

O R D E R (ORAL)**MANJULA DAS, JUDICIAL MEMBER:**

By this O.A., applicant makes a prayer for setting aside the impugned orders dated 27.04.2015, 25.01.2016 and 05.12.2016 issued by the respondent No. 2 with a direction to reinstate him in his service.

2. Sri A. Mubaraque, learned counsel appearing on behalf of the applicant submitted that this is fourth round of litigation. Initially, against the removal order dated 27.04.2015 passed by the respondent No. 4, the applicant approached this Tribunal vide O.A. No. 294/2015 which was disposed of vide order dated 20.08.2015 and directed the respondent authorities to dispose of the pending appeal dated 29.05.2015 by a speaking order with providing due opportunity of being heard to the applicant. However, without following the directions given by this Tribunal, the Appellate Authority vide order dated 0.11.2015 upheld the removal order of respondent No. 4 i.e. Disciplinary Authority dated 27.04.2015. Being aggrieved with the order dated 27.04.2015 as well as 05.11.2015, the applicant filed another O.A. No. 040/00402/2015 where this Tribunal vide its

order dated 08.12.2015, disposed of the said O.A. by setting aside the order of the Appellate Authority's dated 05.11.2015.

3. It was submitted by the learned counsel for the applicant that thereafter, the applicant appeared before the respondent No. 3. But the respondent No. 3 rejected the prayer of the applicant and asked him to file a Review Petition to the Chief Postmaster General, Assam Circle, Guwahati within 10 days. Accordingly, the applicant filed a Review petition before the Chief Postmaster General, Assam Circle on 04.02.2016. The applicant also filed another O.A. No.040/00125/2016. According to the learned counsel, during pendency of the said O.A. No.040/00125/2016, the Chief Postmaster General, Assam Circle, dismissed the Review Petition on 05.12.2016. As the said order dated 05.12.2016 was not under challenged in O.A. No.040/00125/2016, therefore, said O.A. was withdrawn on 09.11.2017. Hence the instant O.A. has been preferred by challenging the order dated 05.12.2016 along with the impugned orders dated 27.04.2015, 25.01.2016.

4. On the other hand, Sri R. Hazarika, learned Addl. CGSC appearing on behalf of the respondents submitted that

the disciplinary proceeding was initiated against the applicant under Rule 14 of CCS (CCA) Rules, 1965 as he was found to be involved in the fraud case for misappropriation of public money amounting to Rs. 7,66,500/- only from 20 Nos. of SB Accounts standing at Hahim Bazar Sub Post Office while he was functioning as Sub-Postmaster (SPM), Hahim Bazar SO w.e.f. 13.02.2006 to 11.02.2010. Accordingly, charges were framed against the applicant vide Memo No. F.4-3/11-12/Discy/B. Rabha-II dated 02/06.08.2013 as per Rule 14 of CCS (CCA) Rules. The applicant was given defence assistant and after inquiry, a copy of the enquiry report was furnished to the applicant asking him to submit his written statement. According to Sri Hazarika, the Postal Authority had lodged FIR against the applicant before Boko P.S. which was registered as Boko P.S. case No. 305/13.

5. Sri Hazarika submitted that the charges framed against the applicant was duly 'proved' and accordingly the departmental proceedings initiated against him was finalized as per Rule by imposing the penalty of 'Removal from service' vide order dated 27.04.2015. Hence, the respondent authorities have not done anything against the Rule. The proceedings initiated

against the applicant have been finalized fairly as per Rules giving every opportunity to the applicant. As such, the prayer made by the applicant in the instant O.A. for setting aside the proceedings is not found tenable in law and the same is liable to be dismissed in limine.

6. We have heard the learned counsel on both sides, perused the written statement as well as rejoinder filed by both parties. We have also gone through the documents produced by both parties in detail wherefrom it appears that the applicant was found guilty for misappropriation of public money amounting to Rs. 7,66,500/- only from 20 Nos. of SB Accounts standing at Hahim Bazar Sub Post Office while he was functioning as Sub-Postmaster (SPM), Hahim Bazar SO w.e.f. 13.02.2006 to 11.02.2010. Accordingly, charges framed against the applicant vide Memo No. F.4-3/11-12/Discy/B. Rabha-II dated 02/06.08.2013 as per Rule 14 of CCS (CCA) Rules was found 'accepted' by the applicant and 'proved' in three Articles of Charge, by the Inquiry Officer.

7. Considering the above issues as discussed, we are of the considered view that the respondent authorities have not

been unduly unfair to the applicant in issuing the impugned orders dated 27.04.2015, 25.01.2016 and 05.12.2016 respectively. We also observed that imposition of punishment of "Removal from Service" given to the applicant vide order dated 27.04.2015 as well as upheld vide order dated 25.01.2016 are found to be adequately justified by the Disciplinary Authority as well as Appellate Authority.

8. Keeping in view of the above, we do not see any reason to interfere with the decision of the Disciplinary Authority including the Appellate Authority. Therefore, the O.A. is liable to be dismissed and accordingly, the same is dismissed.

9. No order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)