

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application No.20/286/2014

Hyderabad, this the 23rd day of December, 2019



Hon'ble Mr. Justice L Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

V. Hemalatha,
Branch Postmaster (BPM) (Under removal),
T. Sandravaripalle BO, A/w. G.K. Palli SO,
Thirupathi Division, A.P.

... Applicant

(By Mr. K. Sudhakar Reddy, Advocate)

Vs.

1. Union of India, Rep. by
The Chief Postmaster General,
Dak Sadan, Hyderabad, AP.
2. The Superintendent of Post Offices,
Thirupathi Division,
Thirupathi – 517 501.

... Respondents

(By Advocate Mrs. K. Rajitha, Sr. CGSC)

ORDER (ORAL)***{As per Hon'ble Mr. Justice L Narasimha Reddy, Chairman}***

The applicant was working as Grameena Dak Sevak Branch Postmaster (for short "GDSBPM") at T. Sandrevaripalle Branch Office, between 2001 and 2011. She was issued a charge memo dt. 10.9.12 alleging that she has withdrawn a sum of Rs.3950/- from the savings account of Smt. V. Mariyan Bee by affixing her own Left Thumb Impression (LTI). Another allegation was that, she has withdrawn a sum of Rs.2600 from the account of another account holder Smt. P. Pyari Jan in similar fashion. Applicant submitted explanation denying the charges. The Disciplinary Authority appointed Inquiry Officer and a detailed inquiry was conducted. A report was submitted on 27.02.2013 holding the charges, as proved. Taking the same into account, the Disciplinary Authority passed an order dt. 06.05.2013 removing the applicant from service. The appeal preferred by the applicant was also rejected. Hence, this OA.

2. The applicant contends that though the very basis for initiating the disciplinary proceedings against her was the allegation that she herself has put the LTI for withdrawing the amounts, no efforts were made to compare her LTI with the one, present in the record by obtaining opinion of a Fingerprint Expert. It is stated that the respondents have chosen to obtain opinion of Fingerprint Expert on the LTI of the account holder and that would not be of any use at all. Various other grounds were also pleaded.

3. Respondents filed a counter affidavit, opposing the OA. It is stated that in the preliminary inquiry, the applicant admitted that she has put her LTI for withdrawing the amount and it is not open to her to take a different stand, particularly after depositing a sum of Rs.10,000/-. It is also stated that the prescribed procedure was followed in the inquiry and the punishment, commensurate with the gravity of the charge, was imposed.



4. We heard Mr. K. Sudhakar Reddy, learned counsel for the applicant and Mrs. K. Rajitha, learned Sr. CGSC for the respondents.

5. The applicant was working as GDSBPM, at the relevant point of time. Hence, she was issued a charge memo with the following Articles of Charge:

“Article – I

That the said Smt. V. Hemalatha while working as GDSBPM, T. Sandrevaripalle BO, a/w. G.K.Palle S.O. from 08.06.2001 to 07.03.2011 allowed withdrawal of Rs.3950/- (Rs. Three thousand nine hundred and fifty only) in the Savings account No. 2874732 of Smt. V. Mariyan Bee without the knowledge of the depositor on 25.02.2011 by affixing LTI by herself in the SB – 7 from duly entered in the B.O. Savings Bank journal and in B.O. account but without making withdrawal entries in the Savings account pass book of the depositor.

It is therefore alleged that Smt. V. Hemalatha, GDSBPM (Put off), T. Sandrevaripalle BO, a/w. G.K.Palle S.O. contravened the provisions of Rule 134 of “Rules for Branch Offices” (Sixth Edition) and thereby failed to maintain absolute integrity and devotion to duty as required in Rule 21 of GDS (C&E) Rules, 2011.

Article – II

That the said Smt. V. Hemalatha while working as GDSBPM, T. Sandrevaripalle BO, a/w. G.K.Palle S.O. from 08.06.2001 to 07.03.2011 allowed withdrawal in the under mentioned Savings account without the knowledge of the depositor on the date noted below by affixing LTI by herself in the SB – 7 from duly entered in the B.O. Savings Bank journal and in B.O. account but without making withdrawal entries in the Savings account pass book of the depositor.

<i>Sl. No.</i>	<i>Savings a/c. No.</i>	<i>Name of Depositor Smt.</i>	<i>Date of Withdrawal</i>	<i>Amount withdrawn</i>
<i>1</i>	<i>2873149</i>	<i>P. Pyari Jan</i>	<i>05.01.2011</i>	<i>Rs.2600</i>

It is therefore alleged that Smt. V. Hemalatha, GDSBPM (Put off), T. Sandrevaripalle BO, a/w. G.K.Palle S.O. contravened the provisions of Rule 134 of "Rules for Branch Offices" (Sixth Edition) and thereby failed to maintain absolute integrity and devotion to duty as required in Rule 21 of GDS (C&E) Rules, 2011."



6. Similar allegations are contained in both the Articles. The gist thereof is that the applicant has put her own LTI and has withdrawn the amount from the savings accounts of two account holders. In her explanation, the applicant has categorically denied the allegation. The basic step for the respondents to take, was to obtain the LTI of the applicant and send the record containing the LTI affixed for withdrawal of the amount, for comparison by a Fingerprint Expert, and to take further steps, depending upon the nature of the report. Instead, they have obtained the opinion of Fingerprint Expert in respect of the LTI of the account holder. Such a step is a totally meaningless exercise and a finding thereon, does not take the matter any further.

7. The plea of the respondents that the applicant admitted the allegation in the preliminary inquiry cannot be accepted. If that were to be so conclusive, there was no necessity to appoint an Inquiry Officer at all. The very fact that the Inquiry Officer was appointed, discloses that the applicant denied the charges. In fact, the respondents have also stated in the counter affidavit that the applicant denied the charges in her explanation. The extreme punishment of removal cannot be imposed just on basis of totally

perverse finding. We are compelled to observe this because the Inquiry Officer himself stated in the report as under:

“The prosecution alleges that the BPM herself affixed the thumb impressions on application for withdrawal (S-2) but could not produce any evidence proving this allegation.”



Despite this, it was held that the charges are proved.

8. We, therefore, allow the OA and set aside the impugned order as well as the report of the Inquiry Officer. We direct that the respondents shall obtain the opinion of the Fingerprint Expert on comparison of the LTI of the applicant on one hand, and the LTI, which is present in the record, on the other hand. The entire exercise in this behalf, shall be completed within three months and till then, the applicant shall be deemed to be under put off duty.

9. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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