

Central Administrative Tribunal, Principal Bench

O.A. No.2928/2001

New Delhi this the 8th day of ~~October~~ ^{November}, 2002

Hon'ble Mr.Justice V.S. Aggarwal, Chairman
Hon'ble Mr. M. P. Singh, Member (A)

Mahimanand R/o 201, Dhaulagiri
Kaushambi, Delhi

.. Applicant

(By Advocate : Shri M.K. Bhardwaj)

Versus

Union of India through ~

1. Secretary Ministry of Communication & Posts
Dak Bhawan, New Delhi.
2. Post Master General, Dehradun Circle,
Dehradun.
3. Sr. Supdt. of Post Offices,
Dehradun Circle, Dehradun.
4. Inspector of Post Office,
Dehradun Circle, Dehradun.

.. Respondents

(By Advocate : Shri D.S. Jagotra)

O R D E R

M.P. Singh, Member (A)

The admitted facts of the case are that the applicant was working as EDDA in Branch Post Office, Mandarth (Tuni). Some ladies of villages coming under that post office complained that the applicant had not made full payment of widow/old age pension money orders. The matter was got investigated. During the enquiry, village ladies gave statements that they had been actually paid Rs.900 instead of the money orders for Rs.1200. It was also informed that the applicant had got fake stamps made of Dist. Prov. Officer, Dehradun and fake stamps of the amount and gave them fake money order coupons and destroyed the true copies of Rs.1200. In addition, irregularities were also detected in respect of following money orders:

"1) Dehradun MO No.4908/27 dt. 29.11.95 valued
Rs.1200 payee Smt. Mati Devi



2) Dehradun MO No.5782/118 dt. 9.12.95 valued Rs.1175 payee Gulabo s/o Totka Vill, Koli Mandarth

3) Dehradun MO No.5579/75 dt. 7.12.95 valued Rs.800 payee Surma Ram, Vill. Mandarth"

Out of the above, the payees of Dehradun No.5782/118 and 5579/75 had already expired but payments were made by the applicant on later dates. The payee Smt. Mati Devi, the payee of MO No.4908/27 was not in village Bagi at all. This MO had been made by the applicant. He conceded the above facts during the enquiry and voluntarily deposited the total amount of Rs.1975 of the value of MO No.5782/118 and 5579/75 on 10.7.96 in the Dehradun Main Post Office vide ADG 67 No.74 dated 10.7.96. On this account, the applicant was put off duty and departmental proceedings were initiated against him under Rule 8 of the ED Agent (Conduct & Service) Rules, 1964.

2. As a result of the aforesaid departmental proceedings, order of removal from service from the post of EDDA was passed against the applicant on 24.7.2000 by the Sub-Divisional Inspector Posts (West). Applicant's appeal against the punishment order was rejected by the Senior Supdt. of Post Offices, Dehradun Division on 3.2.2001. Aggrieved by this, applicant has filed this OA praying for quashing the impugned orders dated 24.7.2000 and 13.2.2001 with the direction to respondents to reinstate him in service.

3. We have heard the learned counsel for the parties and considered the pleadings.



4. Though the applicant has taken a variety of grounds in support of the reliefs sought for, the main grounds which is vital and important for the purpose of adjudication of the present OA are that enquiry office wrongly appreciated the fact that MO NO.5782/48 dated 9.12.95 for Rs.1175 was not delivered to the real payee as he had already expired on 4.9.1994; EO had relied upon the death certificate without verifying the authenticity of the same; EO has not taken into account the fact that applicant was out of station for the treatment of his son at the relevant time and that he was not discharging the duties of EDDA so there was no occasion for him to deliver the MO NO.4908-27, EO has concluded that the charges were not proved; and both disciplinary authority and appellate authority have not applied their mind while passing the punishment order.

5. On the other hand, it is the case of the respondents that MO No.5782/118 dated 9.12.95 for Rs.1175 (Exh. S-4) was received on 29.1.96 by the applicant from BPM by signing in the Branch PO journal for payment and was shown as paid on 30.1.96 whereas the payee had already expired on 4.9.94; receipt of death certificate was confirmed by the then Postal Inspector(W) Dehradun during the course of the enquiry; applicant had signed the Branch PO Maindarth Articles Book on 2.1.96, he had also signed the Branch PO journal on 29.1.96 in token of having received MOs for payment. Applicant had also received MO No.4907-27 for Rs.1200 on 8.1.96 for payment by signing in the BO journal and on 16.1.96 had entered payment in his register, in which Kirpa Ram has been

[Signature]

shown as witness; though EO concluded that the charges were not proved, disciplinary authority did not agree with him as he found that EO had ignored vital facts and circumstances and he recorded a note of disagreement which was conveyed to the applicant in writing on 21.2.2000; and both disciplinary and appellate authority have passed speaking and reasoned orders, which do not suffer from any infirmity.

6. It is a settled legal position that the Tribunal cannot reappreciate the evidence or interfere with the quantum of penalty. We are satisfied with the action taken by the respondents in passing the impugned orders which were done strictly in accordance with rules and law and, therefore, we do not find any illegality in the said orders. Hence, we do not want to interfere with the same. In the result, for the reasons recorded above, the OA is devoid of merit and is accordingly dismissed. No costs.

M.P.Singh
(M.P. Singh)
Member (A)

VS Ag
(V.S. Aggarwal)
Chairman

/gtv/