

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 97/2001

New Delhi this the 28th day of May, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri M.P. Singh, Member (A)

Shri Anil Bhatnagar,
S/o Shri Tek Chand Sharma,
R/O Gali No.2, Chaki Wali
Gali Near Ambedkar Park,
Jawala Nagar, Shahdara, Delhi.

.. Applicant

(By Advocate Shri S.K. Gupta)

VERSUS

1. Union of India, through
Secretary, Department of Posts,
Dak Tar Bhawan, New Delhi.

2. Post Master General,
Dehradun Region, Dehradun.

3. Senior Superintendent of Post
Offices, Ghaziabad Division,
Ghaziabad.

.. Respondents

(By Advocate Shri M.M. Sudan, Sr. counsel)

O R D E R (ORAL)

(Hon'ble Shri M.P. Singh, Member (A))

By filing this OA, the applicant has sought a direction to quash and set aside the order dated 2.9.1997 (Annexure A-1) and order dated 31.1.2000 (Annexure A-2). He has also sought further direction to the respondents to reinstate him with all consequential benefits like salary and seniority etc.

2. The brief facts of the case, as stated by the applicant, are that while the applicant was working as Branch Post Master in village Post Office Atrauli, he received a charge sheet from the office of respondent No.3 under Rule 8 of Extra Departmental Agents (Conduct and Service) Rules, 1964 on 27.5.1996. Copy of article of charges levelled

WJH

17

against him are annexed at Annexure A-3. Applicant denied the alleged charges. An enquiry was conducted against the applicant by the Enquiry Officer and he had submitted his report to the disciplinary authority on 28.2.1997, holding the charges against the applicant proved. Copy of the enquiry officer's report was sent to the applicant. The applicant had submitted a representation to the respondents. The disciplinary authority after taking into consideration his representation, findings of the enquiry Officer's report and other relevant materials, passed the order dated 2.9.1997 dismissing the applicant from service. He had filed a petition against the order of the disciplinary authority which was also dismissed by Chief Post Master General (respondent No.2) by order dated 31.1.2000. He is aggrieved by these orders and has filed this OA claiming the aforesaid reliefs.

3. Heard the learned counsel for the rival contesting parties and perused the records.

4. During the arguments, learned counsel for the respondents has drawn our attention to the original departmental enquiry proceedings file wherein the applicant has admitted the charges levelled against him. While admitting the charges, he has requested the respondents that he may be pardoned and he would not repeat the mistake in future. The applicant by his statement dated 17.1.1997 has stated himself that he has signed for the recipient of the money order and utilised that money for the treatment of his

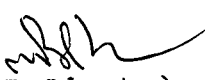
Wor

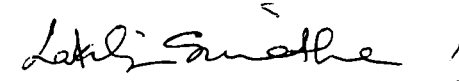
18

son, as his son was ill and he was having no money for his treatment. Thereafter on 15.9.1995, he had made payment to the recipient of the money order of Rs.1000/- which was received by him for payment on 30.8.1995. Similarly, we find there are other admissions made by the applicant of mis-utilization of Government money. He has misappropriated, though temporarily which is the subject matter of the charge sheet. We therefore, find that the applicant has misappropriated the Govt.fund for his own use, though temporarily, he has thus violated ~~the~~ ^{of} the conduct rules, on the basis of the charges framed.

5. It is settled law that the Tribunal cannot interfere, with the penalty if the conclusion of the inquiry officer or the competent authority is based on evidence even if some of it is found to be irrelevant or extraneous to the matter. In this case, we find that the charges levelled against the applicant are very serious as he has misappropriated the Govt.fund. The respondents have conducted an enquiry in accordance with the law and rules, and the applicant has been given an opportunity of hearing and thus, principles of natural justice have been complied with by the respondents. In this view of the matter, we find no good grounds to interfere in the orders passed by the disciplinary authority and the appellate authority.

6. For the reasons recorded above, OA is dismissed.
No order as to costs.


(M.P.Singh)
Member (A)


(Smt.Lakshmi Swaminathan)
Vice Chairman (J)

sk