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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.1801/98

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastray, Member(A)

New Delhi, this the 6th day of April, 2000

Shri Veer Singh
s/o Shri Samant Singh
R/o House No.1300, I Block
Jahangir Puri
Delhi - 110 033. ... Applicant

(None)

Vs.

1. Union of India
Ministry of Communications
Department of Posts
Dak Bhawan
Parliament Street
New Delhi - 110 001.
2. The Director Postal Services
Deheradun Region
Deheradun, UP.
3. The Senior Superintendent of Post Offices
Ghaziabad Division
Ghaziabad, UP. ... Respondents

(None)

O R D E R (Oral)

By Reddy. J.

None appears on either side though the matter was posted for final disposal. We have decided to dispose of the matter on the merits, in the absence of the counsel on either side, as per Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. The applicant, while discharging his duties as Treasurer, Dadri Post Office from 3.5.1987 to 14.9.1988, was found absent unauthorisedly without any information or prior permission. The applicant sent the security bag unsealed to the Police Station. It was alleged that when the unsealed security bag was

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brought from the Police Station and opened in the presence of the Treasurer, an amount of Rs.11437-85 was found in the shape of cash, postal stamps and revenue stamps. It was therefore found that an amount of Rs.22390-40 was found short and it was alleged that the applicant has misappropriated the same. A Charge Memo. has been issued on 18.5.1993 and it was served on the applicant on 21.5.1993. As the applicant denied the charges, a disciplinary enquiry has been conducted against him. There upon an enquiry officer has been appointed who conducted the enquiry and submitted his report to the disciplinary authority on 12.7.1994, in which the enquiry officer held that the charge was made out. A copy of the enquiry officer's report was supplied to the applicant and the applicant had also submitted his explanation to the same. The disciplinary authority thereupon passed the impugned order dated 24.8.1994, dismissing the applicant from service. The appeal filed by the applicant against the order was considered by the appellate authority but it was rejected by order dated 2.3.1995. The present OA was filed questioning the above two orders whereby the applicant was dismissed from service.

3. We have perused the pleadings and also considered the points urged in the OA. It was urged that the enquiry officer has not considered the evidence properly and that the applicant was not given proper opportunity to defend his case. It is also urged that the enquiry officer has relied upon the statement of one Mr. M.L.Yadav and drew inference



against the applicant. It is further pointed out that the evidence was not sufficient to prove the charges against the applicant.

4. The respondents denied the allegations in the counter stating that the impugned orders were passed on the basis of evidence on record. We have perused the enquiry officer's report which is filed in the OA as Annexure-E. The enquiry officer has examined SW-1 to SW-4 on the side of the prosecution. Documents have been marked as P1 to P9 in support of the case of the prosecution. The case against the applicant was that the applicant has misappropriated an amount of Rs.22390/- for his personal use. Considering the evidence of the witnesses on the side of the prosecution the enquiry officer, after careful examination of the evidence, came to the conclusion that the charge has been fully established.

5. It is also clearly stated in the enquiry officer's report that the applicant was given reasonable opportunity to cross-examine the witnesses. Therefore, it is not open to us to reappreciate the evidence recorded and come to our own conclusion. It is also not permissible whether the evidence adduced was sufficient for the purpose of proving the case. We do not, therefore, find any infirmity in the impugned orders. The appellate authority has also elaborately examined the applicant's appeal, while rejecting the appeal.

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6. It cannot also be said that the penalty is too harsh. Misappropriation of Government's property is a serious offence and it has to be dealt with seriously. It should serve also as a deterrent to other employees. In the above circumstances, we do not find any infirmity either in the appellate authority's order also.

7. The OA fails and is accordingly dismissed.

No costs.

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(SMT. SHANTA SHAstry)
MEMBER(A)

Umhyedanlly
(V.RAJAGOPALA REDDY)
VICE CHARIAMN(J)

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