

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

O.A.No.127/96

New Delhi the 8th of October, 1999.
HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN

(A)

HON'BLE SHRI S.P.BISWAS, MEMBER(A)

Shri R.K.Jain son of Shri Lajpat Rai Jain,
employed as Postal Assistant in Tilaknagar New Delhi
post office under New Delhi West Division,
R/O New Delhi. ...Applicant

(By Advocate Shri Sant Lal)

vs.

1. The Union of India, through the Secretary
Ministry of Communications,
Department of Posts,
Dak Bhawan, New Delhi-110001.
2. The Director Postal Services (P),
O/O the Chief Postmaster General,
Delhi Circle, Meghdoot Bhawan, New Delhi-110001.
3. The Senior Supdt. of Post Offices,
New Delhi West Division,
Naraina, New Delhi-110028. ..Respondents.

(By Advocate Shri A.K.Bhardwaj)

O R D E R (ORAL)

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

The applicant R.K.Jain while working as Sub Postmaster Chand Nagar was proceeded against under Rule 14 of the CCS(CCA)Rules vide memorandum dated 12.3.92. There were two articles of charges which reads as follows:

"ARTICLE I

While Shri R.K.Jain P.A. was working as SPM(T/S) at Chand Nagar P.O. New Delhi 110018 on 7.3.91, Smt. Meena Devi Bedi surrendered her NSCs bearing No.E/13 032381 to 032383 of denomination of Rs.1000/- each to him for payment on maturity, the official got the signature of Smt. Meena Devi Bedi on the NSCs wrote the amount of Rs.2015/- and Rs.10075/- respectively and paid a sum of

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✓ Rs.16,000/- (Rupees Sixteen thousand only) instead of Rs.16120/- (Sixteen thousand one hundred and twenty only) payable to the holder as complained by her and thus paid a sum of Rs.120/- short for his personal gain. He is, therefore, alleged to have failed to maintain absolute integrity thereby violating the provisions of Rule 3.1(i) of CCS(Conduct) Rules,1964.

ARTICLE II

Shri R.K.Jain P.A. while working as SPM T/S Chand Nagar P.O. New Delhi 110018 on 7.3.91 was surrendered NSCs bearing No.F/4 873056 for Rs.5000/- by Shri Mool Raj Bedi, father of the holder of NSC(Minor). The official got the signature and a certificate regarding use of money for minor on the NSC wrote the amount of Rs.10075/- and paid a sum of Rs.10,000/- (Rupees Ten thousand and seventy five only) payable to the holder and thus paid a sum of Rs.75/- less for his personal gain. He is, therefore, alleged to have failed to maintain absolute integrity thereby violating the provisions of rule 3.1(i) of CCS (Conduct) Rules,1964."

As the applicant denied the charges, an enquiry was held. The enquiry officer held the charge established to the extent that payment was made short. The disciplinary authority after giving an opportunity to make a representation against the report of enquiry and on consideration of the explanation, accepted the finding of the enquiry officer and by his order dated 31.3.93 imposed on the applicant a penalty of reduction of pay by two stages from Rs.1360 to Rs.1300 in the time scale of pay Rs.975-25-1150-EB-30-1660 for a period of four years with effect from 2.12.93 with a further direction that the applicant would not earn increments of pay during the period of reduction and that on the expiry of this period, the reduction will not have the effect of postponing his future increments of pay (Annexure A3). Aggrieved by this order the applicant preferred an appeal which was rejected by the appellate authority vide order dated 8.11.93(Annexure A2). The revision filed by the applicant against this order was

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was also rejected vide order dated 7th June 1995(Annexure A1). Aggrieved by the penalty imposed on him, the applicant has filed this application impugning these orders and for a direction to the respondents to restore the applicant's pay. It has been alleged in the application that the enquiry against the applicant was motivated by Om Prakash Rana a class IV employee who was working under him on account of certain enmity and that the finding that the applicant is guilty was arrived at without proper evidence. The applicant has alleged that one of the material witness Smt.Meena Bedi the holder of four National Saving Certificates who was a material witness though listed as a witness in the memorandum of charge, was kept out of examination and that this has prejudiced his defence and that therefore the impugned orders are unsustainable.

2. We have perused the pleadings and materials on record and have heard at length Sri Sant Lal, learned counsel of the applicant and Sri A.K.Bhardwaj for the respondents.

3. On going through the pleadings and materials on record, we do not find any serious infraction of the rules in the matter of holding the departmental enquiry. The applicant has been given a list of witnesses and documents and has been afforded reasonable opportunity to cross-examine the witnesses and to adduce evidence on his side. That Smt.Meena Bedi was not examined cannot be held out as a serious defect in the procedure. It is not the quantity of evidence that is relevant in arriving at a finding, but it is the quality that is relevant. Though Smt.Meena Bedi one of

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the NSC holder was not examined, Sri Mul Raj Bedi who was listed as a witness has testified that payment made was short. He has also stated that he preferred a complaint. Sri O.P.Rana an employee in the office of the applicant was also cited and examined. The testimonies of these two witnesses form the basis of the finding that the applicant was guilty. The applicant had attempted to make out a case that Sri O.P.Rana who is on inimical terms against him has engineered the whole proceedings but nothing has been brought on record to show that there is any basis for this contention. In any case as the enquiry has been held in conformity with the rules and the finding that the applicant was guilty, was arrived at in the light of the evidence of Shri Mul Raj Bedi, we do not find any ground for judicial intervention. Further the order of the disciplinary authority has been subjected to appeal and revision and the appellate and revisional authorities have given very cogent reasons for their conclusions.

4. In the light of what is stated above, the application is dismissed leaving the parties to bear their own costs.

S.P. BISWAS
MEMBER (A)

A.V. HARIDASAN
VICE CHAIRMAN

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