

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. NO. 2234/2000

New Delhi, this the 14th day of October 2001

Hon'ble Shri Govindan S. Tampi, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

P C Jain, Dy. Post Master,
S/o Shri Rakhab Dass Jain
Agra Fort Post Office Agra

R/o G.P.O. Compound, Pratap- pura Agra,

(By Sh. D.P. Sharma, Advocate)Applicant

Versus

1. The Union of India,
through Secretary
Min. of Communication (Deptt. of Posts)
New Delhi.
2. The Principal,
Posts and Telegraph Training Centre,
Saharanpur (UP)
3. The Director Postal Services Agra Region
O/o the Postmaster General Agra Region,
Pratap- Pura Agra (UP)
4. The Sr. Supdt. Post Offices,
Agra Division,
Sanjay Place Agra (UP)

.....Respondents

(By Sh. S.M. Arif, Advocate)

O R D E R

By Hon'ble Shri Govindan S. Tampi, Member (A)

Alleged illegal recovery of Rs.25,200/- from the pay
of the applicant, in monthly instalments is under challenge
in this O.A.

2. The applicant who was working on deputation as
Instructor in Posts & Telegraph Training Centre, Saharanpur,
between 9.1.97 and 13.6.97, from the post of Dy. Post
Master, Agra Fort, was charge sheeted by Sr. Supdt. of

---2/-

✓ Post Office, Agra alleging that he had, while working at Agra, had caused loss to the Deptt. by Order dated 27.9.97, recovery of Rs. 25,200/- was directed from his monthly salary @ Rs. 700/- in 36 equal instalments. Applicants appeal against the order was summarily rejected on 6.3.98 by the non-speaking order. Hence this application.

3. The applicant had been charge sheeted on the ground that 7 Post Office SB A/cs were opened while he was in charge, on the basis of forged introductions for forged persons. In these S/B accounts, refund orders of private companies were credited and were subsequently withdrawn by those who tendered the refund orders. No loss was caused to the Deptt. and therefore the recovery ordered was illegal. No amount has been paid by the Postal Deptt. and therefore the alleged loss by the Deptt. was misconceived. There have been no violation of instruction by the applicant, as those instructions were meant primarily for Counter Assistants and ledger Asstts. whose duty it was to put up papers to the Post Master/Dy. Post Master. That being the case, proceedings against the applicant was improper. Besides, the charge sheet was issued by Sr. Supdt of Post Office on 9.4.97, while at the time he was working under Principal of the Training Institute Saharanpur, who was senior to the individual who issued the charge sheet. In view of the above the applicant requests that the penal proceedings issued against him be dropped, recovery of the amount stopped and the amount already recovered be returned with interest.

---3/-

4. In the counter affidavit the respondents point out that the charge against the applicant related to the opening of 5 SB A/Cs in respect of forged persons of forged addresses on the basis of forged introduction, deposits of cheques therein and withdrawal therein leading to Deptt. incurring loss of Rs. 70,000/- . Proceedings had been correctly initiated against him as he was primarily responsible for the opening of most of the SB A/C concerned and recovery was legally ordered . Respondents state that the suit filed by Oriental Bank of Commerce against the Deptt. claiming Rs. 33526/- + Rs. 24814/- was pending and payments would have to be made in compliance to court's orders. The charge sheet was issued correctly to the applicant and after receipt of his reply only through the Dy. Director, training Centre Saharanpur, the impugned order was issued. Recovery was correctly ordered as loss to the organisation was caused by the improper action of the applicant . Applicant's plea that only the juniors and not he was responsible in respect of SB A/Cs was improper and unbelievable. He has clearly failed in his duty as a supervisor and he cannot escape the responsibility for his failure. The application, in the circumstances has to be rejected, placed, the respondents.

5. In their oral submissions, S/Shri D P Sharma and S. Mohd. Arif learned counsel for the applicant and respondents reiterate their written pleas.

6. We have considered the matter. Applicant seeks to assail the imposition of penalty of recovery from him on three grounds:

- i) Charge sheet was issued by an authority junior to the one he was working under.

-----4/-

- ii) instructions on SP A/c were applicable only to juniors and
- iii) No loss was at all caused to the dept.

On examination, all the pleas raised by him fall to the ground. The applicant was a Dy. Post Master at Agra, who was sent on deputation as Instructor in Post and Telegraph Training Centre for just six months - January to July 1997 and his disciplinary authority remained to be Sr. Supdt of Post Offices, Agra who had issued the charge sheet. That was correct. Secondly for the applicant to say that the instructions in respect of Saving Bank, was applicable only the Assistant and not to Dy. post Master and Post Master, is to claim that supervisors are above rules and regulations. Thirdly, as the Oriental Bank of Commerce had sued the Deptt of Posts and recovered some amounts, with more to follow, shows that loss has been caused to the Deptt. and the said loss was directly relatable to the careless and casual attitude among others, of the applicant, Deptt. had only taken the correct action in initiating proceedings against him and ordering recovery. The same is proper, rational and just commensurate with the gravity of the offence. The said action cannot be called in question.

7. Applicant in our view, has not at all made any case for our interference. Application therefore fails and is accordingly dismissed. No costs.

S. Raju
(Shanker Raju)
Member (J)

(Govindan S. Tampi)
Member (A)

Patwal/