

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00412/2019

DATED THIS THE 30TH DAY OF JANUARY, 2020

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C.V. SANKAR, MEMBER (A)

Y.N.Chamaraj
Aged:53 years,
S/o Late Y.K.Nagaiah,
Working as Sub Post Master,
Chintamani Market-563125
Residing at: 4th Cross,
Opposite to Kishore Vidya Bhavan,
Bangalore Road, Anjani Extn, Chintamani.

....Applicant

(By Advocate Shri P. Kamalesan)

Vs.

1. Union of India,
Represented by Director General,
Department of Post,
Dak Bhavan, New Delhi-110 001.

2. Chief Post Master General,
Karnataka Circle, Bangalore-560 001.

3. Post Master General,
S.K.Region, Bangalore-560 001.

4. Senior Superintendent of Post Office,
Kolar Postal Division,
Kolar – 563 102.

.....Respondents

(By Shri N.B. Patil, Counsel for the Respondents)

O R D E R (ORAL)
(HON'BLE DR. K.B. SURESH, MEMBER (J))

Heard. A Sub Post Master had repeatedly asked the Branch Post Master to send the passbooks for verification and addition of interest. He will not do so. Therefore, repeatedly he had reported the matter to the Senior Superintendent of Post Offices of Kolar Division.

2. Apparently the Senior Superintendent of Post Offices has not done anything in this matter.

3. It was thereafter found that this Branch Post Master had siphoned off more than rupees two lakhs and forty thousand and now the Department of Posts is seeking to apportion this siphoned off money between the Branch Post Master and the Sub Post Master even though it has come out in evidence that the Branch Postmaster alone had conducted this operation. The only ground raised by the respondents is that by timely action the applicant could have prevented it. We will come to this in a little while.

4. Coming to the apportionment, when it is crystal clear for all concerned that only the Branch Post Master had appropriated the money, under no law can the Sub Post Master be compelled to make payment for the mistake of another which has been already found out and established. If that be so and should be taken as a yardstick, then the Senior Superintendent of Post Offices would be liable more as he is more senior and in charge of the entire operations. We do not know why this was not done but it is crystal clear that a man can only be punished for an

acknowledged infraction which he had committed. Even if we have to go by the idea of negligence on his part, there does not seem to be any on his part since he had repeatedly asked the Branch Post Master to submit the passbooks and, when he failed to do so, he had reported it to the senior officer several times. Therefore, there cannot be any infraction on the part of the Sub Post Master. The whole proceedings are quashed. We regret to note that the senior officials have acted wilfully and negligently in this matter and had caused severe prejudice to the applicant.

5. The OA is allowed. The amount, if any, had been collected from him will be repaid without interest within the next two weeks. Failing which, with interest at the rate of 15% as held by the Hon'ble High Court in many cases. No order as to costs.

(C.V. SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00412/2019

- Annexure A1 Copy of the Memo dated 31.3.2017
- Annexure A2 Copy of the reply of applicant dated 22.04.2017
- Annexure A3 Copy of the letter dated 30.06.2017
- Annexure A4 Copy of the Appeal of the applicant dated 12.08.2017
- Annexure A5 Copy of the letter dated 29.01.2018
- Annexure A6 Copy of the Rule 106 & 107 of P & T Manual Volume III.

Annexures referred in reply statement

- Annexure R1 Copy of the PO SB Manual (Volume-1)
- Annexure R2 Copy of the OM dated 6.9.2000

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