

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH**

**Present: Hon'ble Mr. Swarup Kumar Mishra, Member (J)
Hon'ble Mr. Anand Mathur, Member (A)**

O.A. No. 473/2017

1. Shri Sushil Kumar Mahana, aged about 61 years, S/o Late Radhakrushna Mahana, At/Po-Durapal, Via-PS-Kamarda, Dist Balasore, at present compulsorily retired from the post of P.A., Jaleswar HO., Dist-Balasore

.

.....Applicant

VERSUS

1. Union of India represented through its Secretary Department of Posts, Dak Bhawan, New Delhi – 110 001.
2. Chief PMG, Odisha Circle, At-Bhubaneswar, PO-Bhubaneswar GPO-751001, Dist-Khurda
3. Supdt. of Post Offices, Balasore Division, AT/Po-Balasore.

.....Respondents.

For the applicant : Mr. T. Rath, Advocate

For the respondents: Mr. D. K. Mallick, Advocate.

Heard & reserved on : 23.12.2020 Order on :22.02.2021

O R D E R

Per Hon'ble Mr. Swarup Kumar Mishra, Member (J):-

The applicant by filing this OA under section 19 of the Administrative Tribunals Act, 1985, has prayed for the following reliefs:-

- i. *That the report of the Inquiry officer under Annexure-A/6, punishment order under Annexure – A/12, the order under Annexure – A/13, Appellate order under Annexure – A/15 and Revision order under Annexure-A/17 may please be quashed as illegal.*

- ii. That the respondents may be directed to sanction the leave of the applicant from 18.11.2015 to 06.01.2016.*
 - iii. That the respondents may be directed to treat the applicant on duty from 07.01.2016 to 31.01.2016*
 - iv. And pass appropriate orders as may be deemed fit and proper in the facts and circumstances of the case and allow the OA with cost.*
- 2. The facts of the present O.A. are that the applicant while working as GDS was promoted and appointed in the cadre of Postman in Balasore on 30.09.2004. He was promoted to the cadre of Postal Assistant after he appeared in LGO examination and since there was no vacancy available in Balasore he was posted as Postal Assistant in Cuttack, South Division on 09.09.2010. While working as PA, Chhatia SO the applicant was deputed to work as PA Athagarh for clearance of arrear work vide Supdt of Post Office order dated 09.03.2011. The applicant had submitted his tour TA bills for the period from March, 2011 to May 2011 when he was working at Athagarh HO. The Supdt of Post Offices, Cuttack South Division sent the said bills to the SDIP Athagarh for verification of genuineness of the bills. But the SDIP didn't examine the person who issued the bills and did not obtain the written statement from them and reported the bills not to be genuine in the year 2011. The Supdt. Of Posts Offices, Cuttack South Division closed the matter on receipt of the enquiry report but did not reject the bills. Thereafter the applicant submitted application to CPMG, Odisha Circle through the SPOs Cuttack South Division for his transfer to Balasore Division which was approved in the year 2013 and he was relieved from Cuttack South Division as no disciplinary or vigilance case was pending.
- 3. The applicant further submitted that the case was illegally reopened by SPO's Cuttack Division and draft charge sheet

was issued against him vide memo dated 14.10.2014 (Annexure A/1) alleging submission of forged cash memo. The applicant submitted that the IO did not follow procedure for holding the inquiry under Rule – 14 of CCS (CCA) Rules, 1965 but conducted the inquiry at his sweet will. The applicant submitted that he perused the listed document on 28.03.2015 and he was allowed one week time for submission of list of additional documents vide order sheet dated 28.03.2015 and his application praying for another 15 days time to do so was not acceded to and the date was fixed for 01.05.2015 for examination of state witness vide memo dated 15.04.2015. The applicant submitted his application dated 01.05.2015 (Annexure A/2) for production of 02 defence documents the IO acknowledged but did not communicate his decision in the order sheet dated 01.05.2015 but noted in order sheet dated 19.06.2015 (Annexure A/3) that the additional documents were not acceded to without mentioning any reason. The applicant further submitted that vide memo dated 29.06.2015 (Annexure A/4) the applicant was called for examination as state witness violating the provision of Rule – 14 (17) of the CCS (CCA) Rules, 1965 but the state witness did not attend the inquiry and he was not dropped. The applicant submitted that case on behalf the prosecution side was not closed and the applicant was not provided opportunity to state his defence as required under Rule 14 (16) of the CCS (CCA) Rules 1965 and also the applicant was not asked for any explanation against the adverse circumstances appearing against him by the IO at the end of inquiry and the proceeding was closed abruptly vide order dated 10.07.2015 (Annexure A/5). The IO then submitted his report on 07.10.2015 (Annexure A/6). While the matter stood thus, the applicant submitted application dated 17.11.2015 (Annexure A/7) for one day CL for self treatment which was granted vide order book entry dated 17.11.2015 (Annexure A/8). The applicant then undergone treatment at G.K.B, Govt. Hospital, Jaleswar vide

OPD ticket dated 18.11.2015 (Annexure A/9 series) where the doctor recommended 15 days absence from duty for treatment and then he went further treatment at a private hospital for spondalisis and bronchial neuralsia on 23.11.2015. The applicant submitted application for 15 days E.L. on medical ground which was extended on 03.12.2015 and 24.12.2015. Thereafter the applicant on 07.01.2016 submitted his joining report with medical certificate of fitness dated 07.0.2016 (Annexure A/11 series) but the postmaster Jaleswar HO did not allow him to join duty and served him SPO's Balasore Memo dated 16.11.2015 (Annexure A/12) awarding punishment of compulsory retirement. The applicant then submitted a representation dated 07.01.2016 to the SPOs Balasore Division who vide memo dated 25.01.2016 (Annexure A/13) issued a revised punishment order treating the date of retirement as 30.12.2015. The applicant then submitted an appeal dated 12.02.2016 (Annexure A/14) to the appellate authority who confirmed the punishment vide order dated 28.10.2016 (Annexure A/15). Thereafter the applicant submitted petition dated 28.11.2016 (Annexure A/16) to the CPMG who disposed of the petition vide memo dated 20.02.2017 (Annexure A/17). Hence the OA.

4. The respondents in their counter inter alia averred that while the applicant was working as PA, Chhatia SO under Cuttack South Division was deputed to Athagarh HO for the period from 12.03.211 to 31.05.2011 and the applicant submitted false food and hotel bill vouchers along with TA bills on tour which was reflected in draft charge sheet under Rule - 14 received from SPOs Cuttack South Division vide letter dated 03/09.07.2014 and thereafter proceeded under Rule 14 of CCS (CCA) Rules 1965 with one article of charge vide memo dated 14.10.2014. The respondents submitted that as the applicant denied the charge, oral inquiry was held and Sri Rabinaryan Behera, ASP (OD) AND Sri Siba Prasad Behera, the then IP (PG) Balasore were appointed as IO and PO

respectively to hold inquiry vide memo dated 16.12.2014. Sri Gopal Chandra Padhiary, APM (SB) Balasore was nominated as AGS in this case by charged official to defend the case. The IO on completion of inquiry submitted his report of inquiry dated 07.10.2015 in which the article of charge no 1 was conclusively proved. The copy of inquiry report was supplied to the applicant vide Respondent No. 3 letter dated 13.10.2015 and the applicant submitted his written representation dated 07.11.2015. The disciplinary authority after going through the representation of the applicant as well as other connected records found the applicant guilty and awarded him the punishment of compulsory retirement from service with immediate effect vide Respondent No. 3 letter dated 16.11.2015. The applicant then preferred appeal to the appellate authority who after carefully going through connected documents confirmed the punishment imposed by the disciplinary authority vide his memo dated 28.10.2016. The applicant filed revision petition dated 28.11.2016 to the CPMG, Odisha Circle who vide letter dated 20.02.2014 found the applicant guilty and did not intercede on behalf of the applicant with the order of punishment passed.

5. The respondents further submitted that the applicant vide his written statement dated 24.09.2011 and defence representation dated 07.11.2015 (Annexure R/1) had admitted that he was residing in a room and not in hotel as claimed by him in his TA bill on tour. The respondents submitted that since there was no hotel named Biswanath & Nilamadhaba at Banikantha Nagar, then question of obtaining written statement from the owner of the house does not arise. The respondents submitted that it was misconception on the part of the applicant that he was relieved from Cuttack as he has no vigilance/disciplinary case pending against him and since the applicant was transferred from one unit to other unit of the same department, hence disciplinary proceeding can be initiated for his past as well as present irregularity at any

point of time. The respondents submitted that the applicant did not bring any allegation against/objection against the IO during the whole process and his request for two additional defense documents vide application dated 01.05.2015 was not acceded to by the IO after examining it thoroughly and was rejected vide order sheet dated 19.06.2015 as it was not found relevant. The respondents submitted that the allegation of the applicant that he was forcibly examined as a state witness is calculated since he could have declined on spot or submitted his request through his AGS, The absence of Sri Abhiram Das as one of the state witness has nothing to do with IO since he remained absent despite repeated notice issued to him. The respondents further submitted that the applicant remained unauthorizedly absent from duty at his own sweet will on production of medical certificate after being relieved to avail one day CL which was neither approved nor sanctioned. The applicant had also misguided his authority by furnishing false leave address in the leave application as all the correspondence to the applicant through registered post were returned undelivered with the sole intention not to receive the punishment order. As the applicant deliberately avoided to receive the punishment order through different mode i.e. through posts in the applicant's office address, permanent address, local rented house address and leave address, the punishment order was pasted to the wall of the above mentioned address as per provision contained in DG P&T order below Rule 30 of CCS (CCA) Rules 1965 in presence of witness as the order of punishment was to be implemented on 30.12.2015. The respondents submitted that issue of another revised punishment order vide memo dated 25.01.2016 is within the ambit of the departmental guidelines in vogue since the applicant was wilfully avoiding to receive the order of punishment hence the said memo was a confirmation of the date of implementation of punishment vide office memo dated 16.11.2015.

6. The statement of article of charge in Annexure I framed against the applicant is as follows:

“Shri Sushil Kumar Mahana, PA, Jaleswar HO was working as PA Chhatia SO under Cuttack South Division, during the period from 08.09.10 to 15.06.13. While working as such Sri Mahana was deputed to Athagarh HO vide Supdt. of Post Offices Cuttack South Division Cuttack letter No. B/G-128 dated 09.03.11 and worked as PA, Athagarh HO for the period from 12.3.2011 to 31.05.2011. As per Govt. of India, Ministry of Finance, OM No. 19030/3/2008-E.IV dated 22.1.2009, a Central Govt. Servant on tour, may claim Travelling Allowance on tour as per Govt. of India, Ministry of Finance OM No. F. 19030/3/2008-e.IV dated 23rd September, 2008, or as per OM No. 10/2/98-IC & 19030/2/97-E.IV dated the 17th April, 1998.

That said shri Mahana preferred his TA bills on tour as per Ministry of Finance OM No. F. 19030/3/2008-E.IV dated 23rd September, 2008 for the months of March-2011, April 2011 and May 2011 vide his TA bills dtd. 25.4.11, 11.05.11 and 24.06.11 respectively.

That said Shri Mahana submitted cash Memo No. 976 dated 17.03.11 for Rs. 800/- purported to have been issued by Hotel Biswanath, Post Office Chhaka, Athagarh and cash memo no. 2102 dated 18.03.11 for Rs. 1000.00 purported to have been issued by Hotel Nilamadhab, Banikantha Nagar, Athagarh in support of his TA claims for the period 1303.11 to 17.03.11. That the said cash memos are found to be forged ones and not genuine on verification, in violation of Govt. of India, Ministry of Finance OM No. F. 19030/3/2008-E.IV dated 23rd September, 2008.

That said Shri Mahana submitted cash memo no. 986 dated 02.04.11 for Rs. 1980/- purported to have been issued by Hotel Biswanath, Post Office, Chhaka, Athagarh and cash memo no. 2107 dated 03.04.11 for Rs. 2600/- purported to have been issued by Hotel Nilamadhab, Banikantha Nagar,

Athagarh in support of his TA claims for the period 21.03.11 to 02.04.11. However, the said cash memos are found to be forged ones and not genuine on verification, in violation of Govt. of India, Ministry of Finance OM No. F. 19030/3/2008-E.IV dated 23rd September, 2008.

That said Shri Mahana submitted cash memo no. 990 dated 30.04.11 for Rs. 3185/- purported to have been issued by Hotel Biswanath, Post Office Chhaka, Athagarh and cash memo no. 2119 dated 30.04.11 for Rs. 4200/- purported to have been issued by Hotel Nilamadhab, Banikantha Nagar, Athagarh in support of his TA claims for the period 21.03.11 to 02.04.11. However, the said cash memos are found to be forged ones and not genuine on verification, in violation of Govt. of India, Ministry of Finance OM No. F. 19030/3/2008-E.IV dated 23rd September, 2008.

That said Shri Mahana submitted cash memo no. 997 dated 31.05.11 for Rs. 4515/- purported to have been issued by Hotel Biswanath, Post Office Chhaka, Athagarh and cash memo no. 2125 dated 31.05.11 for Rs. 6000/- purported to have been issued by Hotel Nilamadhab, Banikantha Nagar, Athagarh in support of his TA claims for the period 21.03.11 to 02.04.11. However, the said cash memos are found to be forged ones and not genuine on verification, in violation of Govt. of India, Ministry of Finance OM No. F. 19030/3/2008-E.IV dated 23rd September, 2008.

Thus, it is imputed that by his above act, said Sri Mahana has failed to maintain absolute integrity and acted in a manner, which is unbecoming of a Govt. Servant as enjoined in Rule 3 (1) (i) and Rule 3 (1) (iii) respectively of CCS (Conduct) Rules, 1964”

7. The relevant portion of the inquiry report submitted by Inquiring Officer is as below:

“9. Analysis & assessment of case:

The whole case arises out of fact that the CO who was working as PA, Chhatia SO, had been deputed to Athagarh HO for

about three months and the CO had submitted his TA bill on tour to Athagarh HO in three stages with the supported cash memos for lodging charges and boarding charges. The sanctioning authority enquired into the cases before sanctioning of the TA bills and during the inquiry, all the cash memos were found to be forged ones with no genuineness.

Shri Bhabagraghi Prasad Behera, ex Post Man, Athagarh Ho states that Hotel Biswanath provides only fooding not any lodging facility and he does not know the name of any hotel which provides both lodging and boarding facility.

Sri Babushyam Panda, GDS MD of Athagarh HO also tendered his statement as Bhabagraghi Pr. Behera.

Sri Khirod Ku Mishra, ex IP, Athagarh Sub Divn states to have enquired into the case and found no genuineness of the cash memos.]

Examination of oral & documentary evidence adduced during the inquiry reveals the following:-

1= The CO admits to have submitted the said TA bills with the listed cash memos. The CO was staying in a rented building of Athagarh area and used to take his meals from Hotel Biswanath of Post Office Chhak and from Hotel Nila Madhab of Banikantha Nagar. He has managed to collect the cash memos from both the owners of the Hotels and he is not aware of the genuineness of the said cash memos.]

I, therefore held that all the charges brought against the CO vide Artilce – 1 in SPOs, Balasore Division Balasore memo no. F/7-1/14-15/Disc dated 14.10.14 are conclusively proved in toto beyond doubt.

In this connection the following papers/documents are sent herewith.

1= Order sheet No. – 01 dtd 21.01.2015, 02 dtd 28.03.2015, 03 dtd, 01.05.15, 04 dtd 19.06.15 & 05 dtd. 10.07.15.

2= All the listed documents received from the PO being exhibited.

3= The deposition of SWs, except Sri Abhiram Das (Ex-SPM, Chhatia SO, who did not attend the inquiry even after repeated notices.)”

8. The applicant in his defence statement dated 07.11.2015 stated the following:

“Respectfully I Sri Susil Kumar Mahana, PA, Jaleswar HO beg to submit my written representation on the findings of the Inquiry Authority in respect of the above inquiry as follows for favour of kind perusal and judicious decision.

That, while I was working as PA Chhatia SO during the year 2011 had been deputed to Athagarh HO for about three months and had submitted TA bills on tour to Athagarh HO with supported cash memos for lodging charges and boarding charges.

That, what my Inquiring Authority has concluded the findings that I have submitted the TA bills for my staying in a rented building of Athagarh area and used to take meals from Hotel Biswanath and Hotel Nilamadhab of Banikanta Nagar is true, what I have admitted in course of the inquiry in my written statement dated 24.09.2011. But it is not true that the cash memos submitted along with my TA bills are forged one.

That, being obliged to my authority I went on deputation to Athagarh HO from Chhatia SO and sincerely discharged my duty at Athagarh for about three months.

That, what I have stated in my statement that, due to lack of sufficient knowledge about submission of TA bills, I on good faith accepted the cash memos from the Hotel Owner for boarding charges though I was residing in a room provided by him in his residential building and cash memos from Hotel Biswanath for meal charges and submitted my TA bills for sanction.

That though the charge under Rule 14 case framed against me has been reported to be proved by the inquiry authority I humbly beg to state that I have not taken a single pie for the

above said deputation and the department sustained no loss for the purpose. Rather I have spent much above deputation from my own pocket.

Therefore, I request your honour to be kind and gracious enough to excuse me for my fault on account of my ignorance and innocence for which act of your kindness, I shall remain ever grateful to you.”

9. The relevant portion of the order of the disciplinary authority is extracted below:

“I have gone through the article of charge framed against the CO inquiry report of the IO as well as the representation of the CO on the report of IO, relevant records and other connected documents of the case carefully. The IO has held the article of charge as proved in toto.

I fully agree with the findings of the IO the article of charge proved against the CO for submitting the false cash memos in the TA bills of March 11 to May 2011. The acts exhibited by the official has exposed his conduct and he is not a trust worthy person to remain in service. The gravity of the lapses of the official is very serious in nature and he deserves extreme deterrent punishment.

In view of the above, I Sk. Md. Noman, Superintendent of Post Offices, Balasore Division, Balasore unable to excuse Sri Mahana for his lapses and order that of “Compulsory Retirement” from service with immediate effect.”

10. The relevant portion of the order of the appellate authority is extracted below:

“I have carefully gone through the appeal dated 12.02.2016 of the appellant and all other connected documents pertaining to the case and observed that the appellant while working as PA, Chhatia, SO was sent on deputation to Athagarh HO from 12.03.2011 to 31.05.2011. For the aforesaid deputation period the appellant had submitted TA bill for the month of March 2011, April 2011 and May 2011 on 25.04.2011,

11.05.2011 and 24.06.2011 respectively duly accompanied by relevant case memos claiming hotel bills as well as food bills. The above bills have been verified at local levels by the SPOs, Cuttack South Division and the bills so submitted very found bogus. The fact of submission of bogus bills and their verifications have been confirmed by Shri Khirod Kumar Mishra, the then IP Athagarh Sub Division during the sittings of oral inquiry. In addition to the above, both Shri Bhagirathi Prasad Behera (Ex-Postman, Athagarh HO) and Shri Babushyam Panda (GDSMD, Athagarh HO) both state witnesses have advanced depositions in support of the charges brought in against the appellant. Basing on the oral and documentary evidence, the IO so appointed has submitted report proving the charges brought in against the appellant. On examination, no deficiency on the part of the IO on conducting the inquiry could be noticed and thus, the argument advanced by the appellant against the IO are not tenable. Further review in a realistic manner reveals that, the disciplinary authority has made attempt to the optimum level to deliver his memo bearing No. F/7-1/14-15/Disc dated 16.11.2015. But the same could not be done due to non-cooperation on the part of the appellant, who proceeded on leave without prior approval of the leave sanctioning authority. The absence of the appellant from the work place appears intentional since he had the ambition to avoid receipt of the punishment order and to continue up to 31st January 2016 i.e. till the date of his retirement of superannuation and thereby availing all benefits of 7th Central Pay Commission which was supposed to be implemented with effect from 1st January 2016. The appellant should have been grateful to the disciplinary authority, who could have imposed more severe punishment like removal and dismissal from serve for act of dishonest demonstrated by the appellant by way of submission of bogus claims. But instead of doing so, the Disciplinary Authority keeping in mind the length of service already

rendered by the appellant and left over service of only couple of months to retirement on superannuation has imposed the punishment of removal from service. The date of effect of order has been notified to have effect from 30.12.2015 vide Disciplinary Authority cum SPOs, Balasore Memo No. F/7-1/14-15 dated 25.01.2013. Accordingly, the appellant ahs been deprived of only one month salary prior to retirement. All other consequential benefit has been extended to the appellant on his compulsory retirement from service with effect from 30.12.2015. This being the position the argument advances by the appellant does not way any merit.

In view of the discussion made in the foregoing paras, I Shri R. P. Gupta, Director of Postal Services (HQ), O/o the Chief PMG, Odisha Circle, Bhubaneswar did not find any ground to intercede on behalf of the appellant and confirm the punishment imposed by the Disciplinary Authority cum SPOs, Balasore Division Memo No. F/7-1/14-15/Disc dated 16.11.2015.”

11. The relevant portion of the order of the Revisionary Authority is extracted below:

“From the gamut of facts and events, narrated above I am inclined to conclude that the aforesaid Shri Sushil Kumar Mahana, petitioner is found guilty of serious and blatant violation of provisions of rules and the penalty awarded to him is not anyway considered unjust, illegal and disproportionate. I find no reasons whatsoever to intercede with the appellate order. Therefore, under the relevant provisions of CCS (CC&A) Rules, 1965 the petition is disposed of accordingly.”

12. Learned counsel for the applicant relied on some citations including the following citations:

a) Hon'ble Apex Court in State of Punjab vs Sodhi Sukhdev Singh

AIR 1966 SC 1313

b) Hon'ble Apex Court in State of Uttar Pradesh vs Singhara Singh and others 1963 AIR 358

13. We have heard learned counsels for both the sides, gone through their pleadings, written note of arguments and citations relied upon. Although learned counsel for the applicant had strenuously submitted that the copy of the punishment order in question was not served prior to the age of superannuation attained by the applicant and had drawn the attention of the Tribunal to the averments made in the OA as well as the stand taken by the applicant before the appellant and Revisional authority, the said aspect has been dealt elaborately by both the authorities. Both Appellate authority and Revisional authority have applied their mind and elaborately dealt with grounds taken by the applicant before them and nothing wrong or procedural irregularities have been committed by them. Besides that after hearing learned counsel for the respondents and going through the averments made in the counter as well as documents vide R/2 & R/5 it is seen that several attempts were made by the respondents to serve copy of the punishment order dated 16.11.2015 on the applicant by sending letters to him by registered post in his official address, in his permanent address and in his present address. Learned counsel for the respondents submitted that since the applicant deliberately avoided the service of the said punishment order on him, therefore he went on unauthorized absence and the said letters could not be served on him. Thereafter the respondents took steps for pasting of the said notice and punishment order on the walls of the house in

which he was residing besides publishing the said order in the office notice board. In this regard this Tribunal has gone through documents vide Annexure R2/ & R/5. Annexure R/5 shows that the concerned officers along with two witnesses were present in front of the residential building in which the applicant was residing and the fact of pasting of notice and punishment order. The claim made by the applicant that punishment order vide Annexure A/12 dated 16.11.2015 was served on him for the first time on 07.01.2016 is not acceptable in view of overwhelming materials to show that the punishment order in question was served in manner as mentioned above on 30.12.2015 hence submission of learned counsel for the applicant that respondents have tried to implement the punishment order retrospectively by subsequently serving copy of the punishment order on applicant cannot be accepted.

14. It is pleaded in the OA by the applicant that he was forced to be examined as witness on behalf of the state. He was examined, cross examined and re-examined. There is no satisfactory material on record to show that the applicant was forced to be examined as witness in the departmental proceeding in question. The mere fact that he has been examined as witness in the departmental proceeding in question will not go to show that he was forced to do so. No such plea has been taken before the inquiry officer. That apart the applicant has not in any way been prejudiced due to his examination in the departmental proceeding in question. The inquiry officer had the discretion to ask him generally about the material available against him in the record in order to give him the

scope to explain the same. The delinquent applicant himself having been examined as witness he cannot take the plea that he was in any way prejudiced by the said fact.

15. It was pleaded by the applicant that one witness Shri Abhiram Das who was mentioned in the list of witness was not examined in the departmental proceeding. The department is at liberty to examine the person which it thinks to be vital for the purpose of throwing light about the misconduct of the applicant. The department cannot be compelled to examine any witness. It was for the delinquent to examine any witness if he so desired. But no such prayer has been made before the inquiring officer for examination of any particular witness as defence witness. No such plea has been taken before the appellate or Revisional authority.

16. The fact that the applicant himself admitted in his written statement dated 24.09.2011 & 14.10.2011 before Inspector of Post, Athagarh Sub Division that he had collected the cash memos from the house owner in whose rented building he was staying during the period in question. The applicant wanted to explain the same by saying that the house owner was also the owner of one hotel in which the applicant was taking food. But the applicant has admitted that he was not staying in any such hotel in question but was staying in rented building. It was found by the inquiring officer that there was no such hotel Nilamadhab. There is nothing in record to show that the applicant had prayed for examination of defence witness by citing name of any particular person. When there was no such hotel as Nilamdhab and Biswanth at

Banikanthnagar, the question of obtaining written statement from the owner of the house does not arise. Once the applicant has admitted that he was residing in rented building and not in a hotel, therefore it is proved from material on record as rightly found by the inquiring officer that TA bills submitted in this regard are false and bogus. It is immaterial as to whether the applicant was successful in getting pecuniary benefit on the basis of false and bogus TA Bill submitted by him in this regard. It is also seen that the applicant was present in the inquiry along with his AGS and had cooperated in his self examination with the help of AGS. Therefore, this Tribunal finds that no serious irregularity or illegality has been committed by the authorities concerned in the departmental proceeding against the applicant and no prejudice has been caused to the applicant. This Tribunal also does not find that the decision making process in the departmental proceeding has been vitiated in any manner.

17. Accordingly the OA being devoid of merit is dismissed but in the circumstances without any order as to cost.

(ANAND MATHUR
MEMBER (A)

(SWARUP KUMAR MISHRA)
MEMBER (J)

(csk)