

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/01324/2014

HYDERABAD, this the 1st day of December, 2020

Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member



B.V.S.S.S.Narayana Rao,
Ex. GDS Packer,
Guntur Collectorate S.O.

... Applicant

(By : Mr.B.V.S.S.S.Narayana Rao, Party-in-Person)

Vs.

The Supdt. of Post Offices,
Guntur Division, Guntur 522 007.

... Respondents

(By Advocate: Mr. M.Venkata Swamy, Addl. CGSC)

ORDER (ORAL)

Hon'ble Mr. B.V. Sudhakar, Admn. Member

Through Video Conferencing :

2. The OA has been filed challenging the removal of the applicant from service.

3. Brief facts of the case are that the applicant while working as Grameen Dak Sewak at Guntur Collectorate Post office, he was put off duty in 2006 for alleged dereliction of duty. A police case was also filed against the applicant. When the case was pending, respondents have imposed the penalty of removal. The criminal

case filed ended in acquittal and the applicant represented to be reinstated, which was not conceded to and hence, the OA.

4. The contentions of the applicant are that he has a family to take care and that he is working as a daily wage labourer to eke out a living, after having been put off from duty. The appeal and revision petition preferred have not resulted in any relief to the applicant.

5. Respondents in their reply statement submit that the applicant while working as Grameen Dak Sewak at the extension counter of Guntur Collectorate Post Office, located at District Court premises, booked registered articles presented by the advocates and did not despatch them, leading to a police complaint made against the applicant by the Bar Association. The matter when inquired by the Inspector Posts, North Sub Division, it was found that the applicant has accepted money from the lawyers to book registered articles and did not despatch them by affixing the requisite postage stamps. After preliminary inquiry, applicant was put off duty and thereafter, a full-fledged inquiry was conducted and on the basis of which, applicant was removed from service by the disciplinary authority. Applicant made a representation which was forwarded to disciplinary authority for disposal on 27.7.2009 and thereafter applicant filed an appeal which was rejected as time barred. Thereafter, a petition preferred was rejected by the competent authority by a reasoned order.

The Party in person sent a letter, which was received by the Registry on 06/08.01.2020, stating that he could not attend the hearing because of financial constraints prayed for consideration of the relief sought.

6. Heard the respondent counsel and perused the pleadings on record.

7. As is seen from the records, applicant while working as Grameen Dak sewak at the extension counter of the Guntur Collectorate post office, located at District Court premises has accepted a total of 571 registered articles from lawyers for booking and despatching them for delivery. Applicant collected the requisite fee for affixing the postage stamps from the customers but did not despatch the articles booked. Some of the articles were kept in the office Almirah and some at applicant's residence without despatching them, as admitted by the applicant in his written statement before the Inspector Posts, North Sub Division. The total amount misappropriated in the process was Rs.11,665 and the amount recovered from the applicant was Rs.11,837. A police complaint was made by the Bar Association against the applicant, which was registered as Cr. No. 239/2006 u/s. 409 of IPC and the same was tried on the file of the Special Mobile Magistrate Court, Guntur in CC No. 425/2006 wherein a judgment was delivered on 08.06.2006. The applicant was put off duty and proceeded under Rule 10 of GDS rules by issuing a charge memo on 24.8.2007. I.O and P.O were appointed and the applicant was given reasonable opportunity to defend himself. Based on the Inquiry report adhoc disciplinary authority imposed the penalty of removal on 25.7.2008. The regular disciplinary authority was party to the preliminary enquiries and hence, adhoc disciplinary authority was appointed. Applicant was acquitted by the Special Mobile Magistrate Court in the police case bearing the Crime No.239/2006 vide proceedings in CC No.425 of 2006. On acquittal, applicant made an appeal which was rejected for being time barred and when a petition was preferred to the petitioning authority, it was rejected by issuing a reasoned and speaking order.

II. Applicant has admitted that he has misappropriated the money collected from the customers for booking registered articles and that he did not despatch the registered articles booked. This has caused an uproar among the lawyers and has become the talk of the town. The image of the post office has been dented by the wrong deeds of the applicant. Post office is a public institution in which public repose great faith. By resorting to misappropriation by the applicant the faith reposed in the institution has been belied. Institutional integrity is paramount and the institutional interests are above individual interests. The applicant has defrauded public money which cannot be ignored in public interest. Acquittal in criminal case would not, in any way, help the applicant as the departmental proceedings were based on misconduct. Respondents afforded reasonable opportunity to the applicant to defend himself and thereafter, removed him from service by following relevant rules.

III. Therefore, in view of the above, we do not find any merit to intervene on behalf of the applicant. Hence, the OA is dismissed, with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(ASHISH KALIA)
MEMBER(JUDL.)

/evr/