

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/00105/2015

HYDERABAD, this the 9th day of March, 2021

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



Dadala Sathikonda,
S/o Late D. Surimurthy, Aged about 45 years,
Occ. Post Man (dismissed), R/o. P. Mallavaram
Village and Post,
Tallarevu Mandal, East Godavari District.

...Applicant

(By Advocate: Mr. K. Siva Reddy)

Vs.

1. The Chief Post Master General,
Head Office, Abids, Hyderabad,
Union of India
2. The Director of Postal Services,
Visakhapatnam Region, Visakhapatnam,
Union of India
3. Post Master General,
Visakhapatnam Region, Visakhapatnam,
Union of India
4. Inspector of Posts & Disciplinary Authority,
South Sub Division, Kakinada,
East Godavari District, Union of India
5. The Superintendent of Posts,
Kakinada Division-1, Kakinada,
East Godavari District, Union of India
6. The Sub Post Master,
Sub Post Office, Tallarevu,
East Godavari District, Union of India Respondents

(By Advocate : Mrs. K.Rajitha, Sr. CGSC)

ORAL ORDER

Through Video Conferencing:

2. The OA is filed challenging the penalty of dismissal imposed on the applicant vide order dt. 24.11.2014 and seeking a consequential direction to reinstate him into the service.



3. Brief facts of the case are that the applicant was appointed as Grameen Dak Sewak (GDS) Mail carrier (MC)/ Delivery Agent (DA) in 1995 to work at P. Mallavarm Branch Post Office and after 15 years, he was transferred to Tallarevu Sub Post Office in 2010. The Inspector of the Sub Division while inspecting the Sub Post Office has found some discrepancy in the transfer of funds to the Branch Post Office. Consequently, applicant was dismissed from service for misuse of Govt. money on 24.11.2014. Hence, the OA.

4. The contentions of the applicant are that the original duty of the applicant was to carry bags and is not related to sub accounts work. The Sub Postmaster and the Inspector colluded for taking action against him. The 4th respondent directed that in order to retain the job, applicant has to pay a sum of Rs.1,11,888/- and accordingly, the said amount was credited in the Govt. accounts. Applicant is from a poor family and has no other source of income.

5. Respondents, *per contra*, state that the applicant while working as officiating GDS Packer/MC/DA at Tallarevu Sub Post Office, has unauthorisedly attended to sub accounts work during the period 9.12.2010 to 1.1.2013 on different dates. Applicant took cash from the Sub Post Master

for remitting the amount to the Branch Post Offices but did not remit the amount. Hence, he was proceeded against on disciplinary grounds by issuing Rule 10 of GDS (Conduct and Engagement) Rules 2011. Applicant admitted the charges vide his letter dated 10.11.2014 and therefore, he was dismissed on 24.11.2014.



6. Heard both the counsel and perused the pleadings on record.
7. I. The dispute is about the dismissal of the applicant, working as GDS, from service on 24.11.2014. The applicant was directed by the respondents to work on an officiating basis at Tallarevu Sub Post Office as GDS/MC/DA in view of the death of the incumbent. The applicant as GDC MC/DA is expected to carry and deliver mail. However, he was found to be attending to the sub accounts work, which was irregular and in the process, it was found that he was involved in committing fraud in respect of remittances to the Branch Post Offices, which was detected during the inspection of the Sub Post office by the Inspector. The extent of fraud was assessed as Rs.1,03,300/- and the applicant has credited an amount of Rs.1,11,888/- including interest into the Govt. Accounts. Applicant was issued Rule 10 charge sheet under GDS (C&E) Rules 2011 and when he admitted the charges vide his letter 10.11.2014 the applicant was dismissed from service on 24.11.2014. The contention of the applicant that the Sub Post Master and the Inspector have colluded to take action against him does not hold good as the applicant himself admitted the charges. Besides, it was not for the applicant to handle sub accounts work and even if he had assisted the Sub Postmaster in doing this work due to any exigency, applicant should have done it with honesty. An employee is rated not based

on the quantum of years of service rendered, but how sincerely and honestly he did the job. The duty of the Inspector was to recover the loss caused to the Post Office and he got the amount credited by the applicant. Just because the applicant has remitted the amount, it does not absolve him of the fraudulent intention of committing the fraud. Applicant hoping that he would be retained in the job if he were to credit the defrauded amount is not in the realm of reason. The Post office is a public institution in which public members have immense faith. Applicant has undermined this public trust by committing the fraud and therefore, respondents had to act against him in public interest, which cannot be questioned. The case involves moral turpitude and it would be difficult for the respondents to continue the applicant with doubtful integrity.

II. The ld. Counsel for the applicant has submitted that the applicant may be allowed to appeal which was opposed by the Ld. Respondents counsel by stating that the applicant without availing the alternative remedy approached the Tribunal and after 5 years requesting permission to appeal, is grossly irregular and that too, in a case of proven fraud. We agree with the contention of the Ld. Respondents counsel.

III. Therefore, in view of the aforesaid circumstances, we do not find any merit in the OA and hence, the same is dismissed with no order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/evr/