

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 2nd day of April 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

HON. MR. RAFIQUDDIN, J.M.

O.A. No.1219 of 1996.

Tota Ram. r/o. Vill. Donkeli, Firozabad... .... Applicant.

Counsel for applicant : Sri R. Verma.

Versus

1. Union of India through Secretary, Ministry of Communications, New Delhi - 1.

2. Director of Postal Services, office of PMG, Agra.

3. Post Master General, Agra.

4. Sr. Supdt. Posts, Agra.

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..... Respondents

Counsel for respondents : Sri A.Tripathi, B.H. of Sri S.C. Tripathi.

ORDER (ORAL)

BY HON. MR. S. DAYAL, A.M.

This application has been filed for setting aside the punishment order 15.6.95 and appellate order dated 2.7.96 and to reinstate the applicant on duty with retrospective effect. The applicant has also seeks <sup>the</sup> ~~to~~ payment of admissible allowances for the period he was kept out of job.

2. The applicant, who was working as EQBPM, Daunkeli, Firozabad was charged with removing Rs.1150/- from leather bag of Jalalpur Branch P.O. on 21.3.90 by <sup>tampering</sup> ~~tampering~~ with the seal of 20.3.90. It is alleged that the applicant had key No.3810 by which he could open the cash bag of Jalalpur and that he had admitted to possession of the said seal at the time of enquiry. The applicant was proceeded against <sup>in a</sup> ~~the~~ departmental enquiry and the Enquiry Officer held charges as not proved. The disciplinary authority disagreed with the conclusion drawn by the Enquiry Officer and found that the applicant had not found any error at the time of receipt

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of the bags in Branch Post Office, Daunkeli but the seal of the said bag was found to have been ~~tampered~~<sup>tampered with</sup> in the presence of four witnesses namely PW-I, PW-II, PW-IV and PW-V. The applicant was removed from service by order dated 15.6.95. He filed an appeal which was decided on 2.7.96 and the appellate authority did not ~~find~~<sup>find</sup> any reason to interfere with the order of the disciplinary authority.

3. We have heard Sri R. Verma for the applicant and Sri A. Tripathi, B.H. of Sri S.C. Tripathi for respondents.

4. Counsel for applicant submitted that the seal of the bag of Jalalpur received in Daunkeli Branch Post Office was found to be in order and that when the transit bag was received by Postal Assistant Sri S.C. Jain of Firozabad Head Office and was opened by him, he found that all the six bags had labelled seal with lac. He said that he was not aware of the cash bags inside and that he had handed over all the six bags received from the Branch offices to the treasury.

5. We find that the case against the applicant was supported by four witnesses namely PW-I, PW-II, PW-IV and PW-V. It is not within ambit of judicial review to re-appraise the evidence on the basis of which punishment has been awarded by the disciplinary authority. We have only to see whether there is some evidence based on which the charges have been taken to be proved or not. If there is no evidence and if there is any perverse conclusion, then only the need for judicial review would arise. We find that in disagreeing with the <sup>enquiry</sup> enquiry report of the officer of the disciplinary authority cannot be perversed. The appellate authority had also examined the appeal filed by the applicant and had found no reason to disagree with the punishment given or with the procedure adopted. Under the circumstances, we don't see any reason as to why the order of the disciplinary and appellate authorities be interfered with. The O.A. stands dismissed. No order as to costs.

*D. M. S.*  
J.M.

*Hand*  
A.M.