

Open CourtCENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCHALLAHABAD.Dated : This the 24th day of January 2003.Original Application no. 517 of 1996.Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman
Hon'ble Maj Gen K.K. Srivastava, Administrative Member.

Hira Lal Chaudhary,
 S/o Sri Munishwar Chaudhary,
 R/o Village and Post Kali Jagdishpur,
 Distt. Basti.

... Applicant

By Adv : Sri Hemant Kumar & Sri S.K. Maurya

V E R S U S

1. Union of India through Ministry of Information and Broad Casting,
NEW DELHI.
2. Director General Post Offices,
NEW DELHI.
3. The Director, Postal Services, Gorakhpur Division,
GORAKHPUR.
4. Superintendent Post Offices, Basti Division,
BASTI.
5. Sri Chandra Prakash Mishra,
Office Asstt., Divisional Office Basti,
BASTI.

.... Respondents

By Adv : Sri S.C. Tripathi

O R D E RHon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this OA, filed under section 19 of the A.T. Act, 1985, the applicant has challenged the order dated 25.2.1994 by which he has been removed from service on conclusion of Disciplinary Proceedings. Appeal filed by the applicant has been dismissed on 31.10.1995.

2. The facts of the case are that the applicant was serving as Branch Post Master (in short BPM), Kali Jagdishpur. In July 1988, one Smt. Sita Devi ^{holder of S/B} had account no. 380885 in the Post Office, ^{deposited} ~~she~~ Rs. 1100/- in the Savings Bank Account. The amount was accepted and endorsement was made in the Pass Book, but it was not shown in the account of the Post Office. The matter was detected in the year 1993, then the applicant was served with the memo of charge. He filed his reply and denied the charge. As usual, Enquiry Officer was appointed who concluded the enquiry and submitted his report on 21.1.1994. The applicant was given copy of the enquiry report ^{he} and filed his representation. The Disciplinary Authority ^{and} agreed with the conclusion of the Enquiry Officer, passed the order of punishment of removal on 25.2.1994 which has been confirmed in appeal.

3. Learned counsel for the applicant has submitted that it was a simple case of omission on the part of the applicant ^{to} that he failed ^{to} make ^{the} any entry in the relevant registers. The punishment awarded is not commensurate to the charge. It is also submitted that depositor was not examined ^{by} for proving charge, nor any complaint was lodged by the depositor. It is also submitted that the applicant was not permitted to inspect the documents. It is submitted that the punishment awarded is not justified.

4. Learned counsel for the respondents on the other hand submitted that the Enquiry Officer has recorded detailed reasons and has found that the charge against the applicant proved. He obtained permission from the Inspector, on the basis of application dated 13.8.1993 and deposited the amount on the same day under receipt no. ACG 67 receipt

no. 83. It is also submitted that the charge has been found proved by the Appellate Authority also and the applicant is not entitled for any relief. In the pass book entry was made on 19.7.1988, amount was mentioned and the applicant had put his signature alongwith seal.

5. We have carefully considered the submission of the learned counsel for the parties. So far as the delay is concerned, in such matters it is obvious ~~that~~ as the entry was made in the pass book held by the depositor, there was nothing on the record so far as the depositor ~~is~~ concerned to ~~the fact~~ ^{doubt} that the amount deposited by her, has not been entered in the Post Office registers. It was only during verification of record that the misconduct of the applicant was noticed. Thus, the applicant is not entitled for any benefit on this ground. The Disciplinary Authority has referred to the entire material on which basis the misconduct has been found proved. It was admitted by the depositor that she deposited the amount on 19.7.1988. She also stated that in her account there should be Rs. 1100/-. Though she also stated that her mother had gone to deposit the amount and she had given the statement, ^{On perusal of pass book} ~~statement~~ shown by the Inspector, ^{however} ~~merely on this~~ ^{basis} it is difficult to say that the charge against the applicant ~~is~~ not proved. The entry in the pass book ~~have~~ not been controverted by any evidence. The entry was made under signature of the applicant which could not be disputed.

6. Under the circumstances, we do not find any error in the finding recorded by the Authorities. So far as

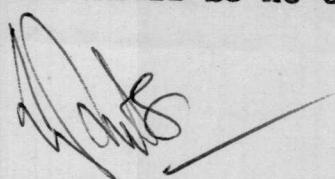


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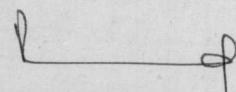
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the punishment is concern, as charge of embezzlement has been found proved against the applicant, he was not a fit person to be retain in service. In our opinion the dismissal ^{from} ~~that~~ service is justified. The O.A. is accordingly dismissed being devoid of merit.

7. There shall be no order as to costs.



Member (A)



Vice-Chairman

/pc/