

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 14th day of September, 2004.

Original Application No. 836 of 1998.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.
Hon'ble Mrs. Roli Srivastava, Member-A.

Nepal Singh a/a 42 years S/o Sri Savanti
Postal Assistant at P.O. Badaun.

.....Applicant

Counsel for the applicant :- Sri Anupam Shukla

V E R S U S

1. Union of India through M/o Communication,
D/o Post, New Delhi- 110001.
2. Senior Superintendent of Post Offices,
Bareilly Division, Bareilly.
3. Director, Postal Services, Bareilly Region,
Bareilly.

.....Respondents

Counsel for the respondents :- Sri S.C. Tripathi

O R D E R

By Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

The O.A was instituted by Sri Nepal Singh who has since died and ^{is} represented by his legal representative Smt. Moti Devi who was ordered to be substituted in place of the original applicant vide order dated 16.04.1999.

2. The original applicant Sri Nepal Singh was served with a charge memo while he was working as officiating Sub Post Master, Station Road Post Office, Badaun containing the following article of charges :-

(Signature) " Article I - Shri Nepal Singh, P.A, Badaun H.O.

while working as officiating S.P.M, Station Road P.O., Budaun on 21.06.1995 and 27.06.1995 received a sum of Rs. 5000/- (Rs. Five Thousand) and Rs. 10,000/- (Rs. Ten Thousand) presented by authorised agents for purchasing of Kisan Vikash Patras in the name of Sri Mahavir Prasad Sharma and Smt. Shobha Saxena of Denomination Rs. 5000/- and 10,000/- respectively. In turn Sri Nepal Singh issued the K.V.Ps. from Post Office stock and handed over them to the authorised agents duly signed by him and affixing the date stamp of Station Road P.O, Budaun but failed to account for the amount on the very dates into Post Office account as required under Rule 4 of F.H.B Volume I and 20 of Post Office Saving Bank Manual Vol. II. Thus acting in the aforesaid manner Shri Nepal Singh is alleged to have failed to maintain devotion to duty integrity and acted in a manner which is unbecoming of a Govt. Servant, thereby infringed the provisions contained in Rule 3 (1) (i), (ii) & (iii) of CCS (Conduct) Rules, 1964.

Article II - Shri Nepal Singh while working as officiating S.P.M, Station Road Post Office, Budaun on 30.05.1995 received a sum of Rs.5/- (Rs. Five only) from tenderer and granted receipt No. 100 from ACG-67 book No. AH 51148 for Rs. 5/- (Rs. Five only) for getting the 6 years NSC No. 02CC 323547 regn. No. 537, transferred as security but the said Shri Nepal Singh failed to account for the aforesaid amount into Post Office account as required under rule 4 of F.H.B Vol. I. Thus acting in the aforesaid manner Shri Nepal Singh is alleged to have failed to maintain devotion to duty integrity and acted in a manner which is unbecoming of a Govt. Servant, thereby infringed the provision of Rule 3 (1) (i), (ii) & (iii) of CCS (Conduct) Rules, 1964."

3. The original applicant denied the charges. However, the Enquiry Officer in his report dated 25.01.1996 held the applicant guilty of the charges. The copy of enquiry report was served on the original applicant but he did not furnish any reply as against the findings recorded in the enquiry report. The Disciplinary Authority on consideration of the enquiry report and the findings on record held that the charges levelled against the petitioner were well

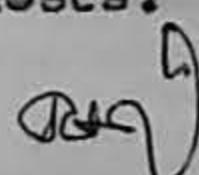
(Signature)

established. As a matter of fact the original applicant did not actually deny the charges levelled against him nor did he submit any evidence in his defence. The fact that the original applicant had received a sum of Rs. 5000/- and Rs. 10,000/- for purchase of Kisan Vikash Patras in the name of Sri Mahavir Prasad Sharma and Smt. Shobha Saxena ^{or was admitted,} The money aforesaid was however, deposited in the Government account on 07.07.1995. This fact was not disputed. It was, therefore, on consideration of totality of facts, the Disciplinary Authority held the/applicant guilty of charges levelled against him and ordered the removal of the original applicant from service vide order dated 28.06.1996. In appeal, preferred against the said order, the Appellate Authority modified the punishment and imposed the punishment of compulsory retirement instead of removal from service vide Memo No. RPB/Vig/APP-20/96 dated 15.05.1997. A perusal of the order would indicate that the Appellate Authority has taken a lenient view having regard to the fact that the amount mis-appropriated by the applicant was ultimately deposited in the Government account and there was no loss to the department. In the opinion of the Appellate Authority the order of removal passed by the Disciplinary Authority was to harsh and accordingly the punishment of removal was modified to the compulsory retirement with a view to avoid financial hardship to the family of the deceased applicant. The original applicant was compulsorily retired on 10.02.1998. The orders dated 28.06.1996, 15.05.1997 and 10.02.1998 are the subject matter of challenge in this O.A.

4. Having heard counsel for the parties, we are of the view that the applicant has failed to make out any case for interference by this Tribunal. The orders impugned in this O.A do not suffer from any procedural illegality or perversity. The O.A is, therefore, dismissed with no costs.

/Anand/


Member-A.


Vice-Chairman.