

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 15TH DAY OF APRIL, 2002

Original Application No.370 of 2001

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Anirudh Singh Yadav, S/o Late  
S.S.Yadav, R/o Village Dalsaga  
P.O.Pradhan ki Bareji(Mohammadabad Yusufpur)  
District Ghazipur.

... Applicant

(By Adv: Shri Avnish Tripathi)

Versus

1. Union of India through Secretary  
Department of Posts, India  
Ministry of Communication,  
Dak Bhawan, Sansad Marg, New Delhi.
2. The Member(Posts), Office of the  
Director, General Posts,  
Dak Bhawan, Sansad Marg, New Delhi.
3. The Director Postal Services,  
Allahabad Region, Allahabad.
4. The Superintendent of Post Offices,  
Ghazipur Division, Ghazipur.

... Respondents

(By Adv: shri R.C.Joshi)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 applicant has challenged order dated 26.11.1997(Annexure 1) by which a punishment has been imposed for realisation of Rs 15,000/- from applicant from his pay in 30 instalments. The ~~Challenged in appeal which was disposed on 20-5-1998 and review aforesaid order was filed before Govt. of India, which has~~ been dismissed on 31.5.2000.

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The facts in short giving rise to this application are that the applicant was working as Postal Assistant in Post office Mohammadabad Yusufpur in district Ghazipur on 2.6.1994. When the payments in respect of Indira vikas patra(in short IVP) to the extent of Rs 30,000/- were made on 2.6.1994 though their maturity date was 3rd and 6th November, 1994. Thus, the allegation in short was that the payment in respect of the aforesaid bonds would be made in November 1994 which was made before five months ~~earlier~~. All the authorities have found the applicant guilty. This negligence could be detected in 1997 then a memo of charge was served on 4.6.1997. He filed his reply. The defence of the applicant was that on account of the pressure of work he missed to notice that payment has been ~~prematurely~~ made. The applicant's role in the office was to prepare the discharge journal.

The learned counsel for the applicant has submitted that applicant has been illegally punished for the misconduct though he was not directly responsible for the same. It has been stated that the amount was paid by Shri Girija Ram and applicant was only to prepare the discharge journal showing the payment. It is also submitted that he has no role so far payment is concerned. This was the ~~defence of~~ defence ~~from~~ the applicant before all the authorities which ~~has~~ not been accepted on the ground, that as applicant did not notice it the matter could not be detected earlier than 1997 and the Govt. suffers serious loss.

Shri Avnish Tripathi counsel for the applicant has placed reliance in a judgement of Ahmedabad bench of this Tribunal in 'J.M.Makauna Vs.Union of India and Others, 2002(1) ATJ-283 and C.N.Hariharanandan Vs. Presidency Post Master Madras G.P.O and Ors, 1988(8) ATC 673.



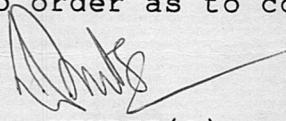
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We have carefully considered the submissions of the counsel for the applicant. However, we are not impressed by the submission that role of the applicant was secondary. An office works like a unit. Each officer/official has independent and individual obligation to see that the government work has been performed as required under rules and according to procedure. The cheques at various stages are meant only to save government interest if by negligence or by oversight by one official ~~or~~ ~~acted~~ <sup>or</sup> ~~acted~~ illegally. In this case the office where the applicant was working was a double handed office and in the circumstances, responsibility of the applicant was not less in any manner. Had the mistake been noticed by the applicant in 1994 on the same day, the loss to government could be averted but this mistake was noticed only through audit. The ~~judgements~~ <sup>cases</sup> relied on by the applicant are on different set of facts and not applicable in the present case.

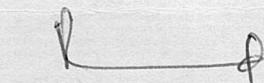
Lastly it was submitted by Shri Tripathi that recovery of 50% of whole amount of Rs 30,000/- from applicant is unjustified as the actual loss to the government would be a very small amount of interest for the period of five months for which the payment was made <sup>or</sup> ~~prematurely~~. This aspect was not raised by any of the authorities below, as it has been <sup>now</sup> ~~raised~~ before us. In our opinion, there appears some force in the submission of the learned counsel for the applicant and for this reason we are giving him liberty to make a representation before the Revising Authority namely Director General Posts raising this question who will consider and decide this question in accordance with law within four months. It is made clear that no other issue shall be opened <sup>or</sup> ~~for~~ the applicant to be raised.

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Subject to aforesaid, this application is disposed of  
finally with no order as to costs.



MEMBER (A)



VICE CHAIRMAN

Dated: 15th, April, 2002

Uv/