

Reserved.

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH ALLAHABAD.

Original Application No. 994 of 2001.

Allahabad this the 1<sup>st</sup> day of July 2003.

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J.

Lalloo Lal Gupta  
Son of Late Sri Purshottam Das  
Resident of 209/112 Balu aghat, Allahabad  
Presently posted as Post Master, Varanasi  
Cantt, Head Office, District Varanasi.

..... Applicant.

(By Advocate : Sri N.L. Srivastava)  
Versus.

1. Postmaster General,  
Allahabad Region,  
Allahabad.
2. Director Postal Service  
Allahabad.
3. Superintendent of Posts (West)  
Varanasi.
4. Union of India  
through Ministry of Communication  
Department of Post through its  
Secretary.

..... Respondents.

(By Advocate : Sri R.C. Joshi)

O R D E R

By this O.A., applicant has sought the  
following relief(s).

"(i) To quash the impugned order dated  
31.10.2000 (Annexure-5) and 31.05.2001  
(Annexure-7) passed by the respondent  
Nos.3 and 2 respectively.

(ii) To issue a direction to the respondents  
to refund the amount to the applicant which  
they have already recovered from the salary  
of the petitioner in pursuance of the impugned  
order dated 31.10.2000.

(iii) To issue any other suitable and equitable  
order or direction which this Hon'ble Tribunal  
may deem fit and proper in the circumstances  
of the present case".



2. It is submitted by applicant that he was working as Post Master at Varanasi Cantt where he was allotted post attached Quarter in 3rd Floor which post office was situated in 1st and 2nd floor of same building. Unfortunately on 13/14.11.1999 night a theft took place in the post office resulting a loss of Rs.2,79,083/- Chaukidar caught hold of 1 person viz Sweab son of Mohd Halim. Accordingly F.I.R. was lodged at Police Station Varanasi at 10.45 p.m on 14.11.99 and thief was handed over to the police. Police arrested 3 more persons viz Zaved, Banwari and Aman Shekhar Singh and recovered Rs.4000/- and the instrument also. Chargesheet is filed against the above said persons (Annexure II).

3. Under That simultaneously applicant was also chargesheeted under R.16. On the following allegations.

"While working at Postmaster Varanasi Cantt. Headquarter during the period from 07.07.1997 to 13.11.1999 failed to reside in the post attached residence of Varanasi Cantt. Headquarter and resided out side post office Building in Mohalla Hukulganj (Varanasi) without obtaining prior permission of the Competent Authority. It is alleged that the said Shri L.L. Gupta violated the provisions of Rule 37 of the Postal Manual Vol. VI Part I and thereby also infringed the provisions of Rule 3(1) (ii) of C.C.S (Conduct) Rules 1964.

2. Shri Laloo Lal Gupta while working as Postmaster Varanasi Cantt. Headquarter during the period from 29.10.1999 to 13.11.1999 failed to check and challenged the non remittance of the accumulated amount of cash Rs. 1,29,699 of Co-operative Society dues to the concerning postal Co-operative Bank Ltd. Varanasi, also failed to check and challenge the transfer of accumulated amount of cash Rs.804/- of the Union Chandra to the concerning secretaries of the different Unions on regular intervals and also failed to ensure safe custody of the aforesaid amounts. With the result the above mentioned amount of cash was stoaled from the Iron Chest of the Treasury Branch of Varanasi Cantt. Headquarter in the night of 13/14.11.1999 and thereby department has sustained loss to the tune of Rs.1,37,745/- It is alleged that the said Shri Laloo Lal Gupta violated to the provisions of note 2 below Rule 2 and Rule 2 (c) of Appendix 29 of the Financial Hand Book Vol. 1 and thereby also infringed the provisions of Rule 3 (1) (ii) and



and 3(2) (i) of the C.C.S (Conduct) Rules, 1964.

3. Shri Laloo Lal Gupta while working as Post Master Varanasi Cantt. Headquarter on 13.11.1999 failed to check and challenged the non-keeping of Govt. Cash Rs.1,36,500 amount of Cash Rs.786/- received from VPP PA an a/c of late delivery of VPPs Rs.95,6509 and 993 and Ins. letters No.982 for Rs.1000/-,548 for as 2500/- securely locked up in the Godrej Iron Safe available in the strong room of Treasury Branch of Varanasi Cantt. Headquarter even on availability of sufficient space therein with the result of the aforesaid amount for Govt. Cash and valuables were stolen by the thieves from the Treasury Branch of Varanasi Cantt. Head Quarter in the night of 13/14.11.1999 and Department has sustained loss to the tune of Rs.1,40,786/-. It is alleged that the said Shri L.L. Gupta violated the provisions of Rule 23 of Postal Manual Vol. VI Part I and thereby also infringed the provisions of Rules 3 (1) (ii) and 3 (2) (i) of C.C.S (Conduct) Rules 1964".

4. Applicant submitted his reply on 16/21.03.2000 explained therein that he is very much residing in his official residence from 07.07.1997 when he joined as Post Master but on 13.11.1999 he had gone to Hukulganj at 9.15 P.M for taking his dinner but due to some reason he could not come back on that night. Moreover there is no rule which requires the Post Master to remain in the house all the 24 hours, with regard to the cash also he gave his explanation.

5. Disciplinary Authority however passed an order on 31.10.2000 whereby recovery was to be made from applicant to the tune of Rs.52500/- in 21 equal instalment of Rs.2500/- each (Annexure 5) as he found that applicant had violated Rule 37 as he did not sleep in the Quarter on the night when theft took place. Similarly he had not kept the amount of Rs.1,29,699+8046 in Iron safe even though there was sufficient space to it.



in it, as a result of which, the huge amount was stolen. Had he kept the amount in Iron safe, the amount could not have been stolen as theives could not succeed in opening the Iron safe, therefore, had he taken ~~case~~, government's money could not have been lost. Disciplinary Authority has categorically stated that as per ~~note~~ 2 below rule 2, the charged official is solely responsible for the safe custody of the amount referred to above. It is also found that applicant is directly responsible for non-remittance of amount collected an a/c of Cooperative Society dues Rs. 1,29,699 to the concerning Bank and also for non transfer of the Union Chanda of Rs. 8046/-. He has referred to rule 2 (c) of Appendix 29 wherein there is clear instruction that the amount recovered should be paid to the Cooperative Society concerned without ~~undue~~ delay after deducting the remittance charges. He thus held that all the charges were fully proved against the applicant.

6. Being aggrieved applicant filed an appeal but even that was rejected on 31.05.2001 (page 19). In the present O. A., applicant has challenged both these orders. His main arguments are that <sup>he</sup> ~~he~~ cannot remain in the house all 24 hours and could always go out for stroll or dinner ~~within~~ the short radius and even if he was there he could not have prevented the theft since theft took place inspite of guard, he cannot be made responsible for same.



7. I have heard both the counsel and perused the pleadings as well. Counsel for the applicant/respondents produced the relevant rules at the time of arguments.

When rules fix responsibility on the Post Master, he is required to take full precaution. In the instant case even though rules requires that applicant should stay in the quarter but <sup>when B</sup> admittedly on the day theft took place he was not in his residence he had not put the amount in iron safe and not even remitted the amount so naturally he is responsible for the loss.

8. Even otherwise in disciplinary cases, the scope for interference is very limited. Hon'ble Supreme Court has repeatedly held that once charges are proved courts should not interfere with the penalty imposed, therefore, no interference is called for. Both the authorities have passed detailed orders considering all the points raised by applicant.

9. ~~This~~ O.A. is, therefore, dismissed with no order as to costs.



Member-J.

Manish/-