

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
BENCH ALLAHABAD**

(THIS THE 10<sup>th</sup> DAY OF AUGUST 2010)

PRESENT:

**HON'BLE MR. S.N. SHUKLA, MEMBER-A**

**ORIGINAL APPLICATION NO.724 OF 2005**  
(U/s, 19 Administrative Tribunal Act.1985)

Bir Pratap Bind, S/o Sri Sampat Ram,  
R/o Village-Pati Ka Pura, Post-Jigna, District-Mirzapur.

..... Applicant

By Advocate: Shri Anand Kumar

Versus

1. Union of India, through Secretary, Ministry of Communication, Government of India, New Delhi.
2. Post Master General, Allahabad Region, Allahabad.
3. Director Postal Services, Office of P.M. G. Allahabad Region, Allahabad.
4. Superintendent of Post Offices, Mirzapur Division, Mirzapur.

..... Respondents

By Advocate: Shri D.N. Mishra

**ORDER**

This case relates to the year 2005. The OA being dated 1.6.2005 the matter has been pending before this Tribunal for more than five years. The record shows that the pleadings in this case were completed way back on



03.11.2006 and case was ordered to be listed for final hearing. Thereafter the status of representation is as under:-

13.12.2006-Illness slip of learned counsel for the applicant.  
 19.7.2007-Illness slip of learned counsel for the applicant.  
 20.7.2007-General Adjournment of learned counsel for the applicant.  
 26.2.2008-Illness slip of learned counsel for the applicant.  
 15.5.2009-Illness slip of learned counsel for the applicant.  
 11.12.2009-Brief holder for the learned counsel for the applicant seeks adjournment.  
 22.2.2010-Illness slip of learned counsel for the applicant.  
 05.05.2010-Illness slip of learned counsel for the applicant and today again.

When the case is called out for hearing there is illness slip on behalf of learned counsel for the applicant. It is also to be noted that there has been continuous absence on behalf of the applicant without any exception on all dates fixed for hearing on the ground of illness or adjournment. Needs no mentioning that the bonafides of illness slip do not inspire confidence. Since this appears to be a clear case of delaying the judicial process, learned counsel for the respondents being present today this case is being decided after hearing him and after considering the material available on record. Briefly stated the facts are that the applicant was issued a charge sheet dated 26.2.2001 at Annexure A-3 of the OA. For the reasons stated therein mainly violation of rules and procedure in



opening of accounts and allowing withdrawal from accounts without ensuring proper documentation. As a result the amount of Rs.3,50,750/- has been withdrawn by false depositors. Charge no.2 also relates to some irregularities in following the procedure. After taking into account the explanation of the applicant a penalty of Rs.20,000 was imposed vide order (Annexure A-1) dated 3.5.2001. It appears that this penalty was enhanced in the appeal to the extent that the scale of pay for the next two years was reduced to the minimum of grade. In revision thereof the revisionary authority passed a very detail order with operative para being as under:-

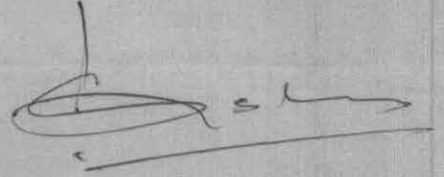
“आदेश

अतः मैं कमलेश चन्द्र, पोस्टमास्टर जनरल, इलाहाबाद श्रेत्र, इलाहाबाद श्री बी० पी० बिन्द, सहायक डाकपाल मिर्जापुर प्रधान डाकघर को पुनरीक्षणीय अधिकारी द्वारा ज्ञापन संख्या विज/८-७/२०००१/१ दिनांक ०१.१२.२००३ द्वारा दिए गए दण्ड बीस हजार रुपये की वसूली सहित अगले दो वर्ष के लिए समय वेतनमान के निम्नतम स्तर पर वेतन घटाने को सेट एसाइट करता हूँ तथा अनुशासनिक अधिकारी द्वारा दिए गए दण्ड की पुष्टि करता हूँ और बीस हजार रुपये की वसूली एक हजार रुपये मासिक दर से करने को दण्ड बरकरार रखने का आदेश करता हूँ।”

In the statement of facts in the OA the main defence of the applicant is that he is not directly responsible for any loss or mis-appropriation and, therefore, no penalty should be imposed on him. All these issues have been deal with by the Disciplinary Authority as well as the Revisionary Authority in their detailed order wherein the penalty of Rs.20,000 was found to be justified. I do not find any

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infirmity in the said orders and hence the OA stands  
dismissed. No Costs.

A handwritten signature in black ink, consisting of a stylized, cursive script that appears to read 'Member-A'.

Member-A

/ns/