

CENTRAL ADMINISTRATIVE TRIBUNAL, ALIABAD BENCH.

...

Registration T.A. No. 1195 of 1986
(O.S. No. 1803 of 1984)

Mukut Nath

...

Plaintiff/
Applicant.

Versus

Union of India
and others

...

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

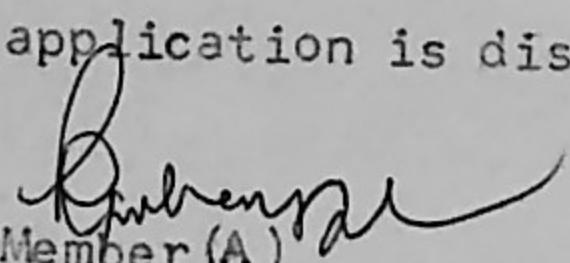
(By Hon. Mr. Justice U.C. Srivastava, V.C.)

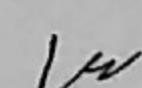
This is a transferred case under Section 29 of the Administrative Tribunals Act, 1985. The applicant was appointed as Class-IV employee in the year 1952 and subsequently promoted as postal Assistant, a class-III post and his first posting as Postal Assistant in the year 1959 was made at Nautanwa, District Gorakhpur where he continued upto 1962 until transferred to Sahjanwa, District Gorakhpur. It appears that a complaint was received against the applicant that he got his name entered along with one Smt. Ganeshi Devi who was an issuedss widow and got his name entered as her nominee in her various accounts, although he was her tenant. An investigation was made and as a result of investigation, it was found that the said Smt. Ganeshi Devi openedt Bank Account along with her husband at Gorakhpur Head Post and five years time deposit in the joint of herself and her husband. Her husband died on 6.6.1983. Thereafter the said lady in confidence gave the death certificate of her husband and other papers with an application to the applicant who happened to be a postal clerk simply to get the accounts changed in her single name in the first week of January, 1984. Copy

W

There was a breach of trust against Smt. Ganeshi Dev by the applicant and the applicant in collusion with Sri Misra got his name entered as her nominee without her knowledge on 9.1.1984. The matter was enquired from the lady and it was found that no such nominee was made and after certain enquiry, the lady also denied that he never nominated the applicant as her nominee or gave any application that he may be joined as her co-depositor. She got the alleged nomination cancelled and obtained duplicate pass books on 23.4.1984. A disciplinary proceedings against the applicant was ordered and the applicants has been charge sheeted in the disciplinary proceedings which is still pending. In the meantime, the applicant was transferred to Basharatpur T.S.O. from the Division Office after expiry of his leave on 27.4.1984. The investigation also revealed that the applicant has mother, widow sister and an adopted son. Thus, it was found that he had forged papers relating to his nomination in the accounts held by Smt. Ganeshi who herself deposed that the nomination papers were forged so the said nomination was cancelled. The applicant had also given his statement to Sri Puran Mall ASPOs on 24.4.1984 and in that he admitted that the pass books were with him. After giving his statement on 24.4.1984, to the investigating officer, he himself applied then on 26.4.1984 that he has been declared fit for duties by the Doctor and desired order for his posting. He was therefore, ordered to join Basharatpur sub-post office where he joined on 27.4.1984 and worked there upto 31.5.1984. Subsequently, the applicant filed a suit praying therein that a decree

of declaration in favour of the applicant be granted a it may be declared that the applicant is an employee of respondent no.1 in Lower Scale Grade of Rs. 425-640 w.e. 30.11.1983 and is entitled ~~to~~ the difference of wages between the scale of Rs. 260-480 and Rs. 425 -640 and is entitled to be treated and paid as Lower Scale Grade employee of respondent no.1 and that further a decree of declaration in favour of the applicant be granted declaring that the transfer of the applicant from the office of defendant no.2 to Basharatpur Post Office is illegal and malafide. The respondents have pointed out that the drawl of leave salary was not automatic. The leave admissibility certificate had to be obtained before granting the leave applied for. So he was not entitled for taking such type of leave, and the transfer is a condition of service and the applicant's transfer to Basharatpur sub- post office is neither illegal nor malafide, and the respondents are within their rights to transfer the applicant. Therefore, we do not find any good ~~to~~ ground for interference in the matter and accordingly, this application is dismissed. No order as to costs.


Member (A)


Vice-Chairman

Dated: 30.7.1992

(n.u.)