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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A. No.1558 of 1986

(Regular Civil Suit No.440/82 in )  
( the Court of Munsif Sadar,Pratapgarh)

Chandra Bhan Singh ..... Plaintiff-Applicant

Versus

Union of India & Others..... Defendants/Opposite Parties

Hon.Justice K.Nath, V.C.

Hon. K.J.Raman, A.M.

(By Hon.Justice K.Nath, V.C.)

The regular Civil Suit mentioned above instituted on 9.12.82 was received by transfer under Section 29 of the Administrative Tribunals Act XIII of 1985 for disposal by this Bench.

2. The plaintiff-applicant Chandra Bhan Singh was a Branch Postmaster, Post Office Rahi Tikar, District Pratapgarh U.P. since 1949 when a certain misconduct on his part in respect of a couple of money orders was noticed. He was put off the work and was served with a chargesheet dated 28.7.86. The allegation was that the applicant failed to disburse the money orders dated 11.2.76 for Rs.250/- and another money order dated 22.5.76 for Rs.849/- to the appropriate person as required by Rule 109 of the Post Office Rules and thereby had failed to maintain integrity and devotion to duty. It was alleged that the applicant himself appropriated the amount of the two money orders and on being detected deposited the same. Nevertheless, his conduct, it was alleged, constituted violation of Rule 17 of P & T, E.D.A. (Conduct & Service) Rules, 1964.

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3. One Ram Pratap Tripathi, the Inspector Post Offices was appointed as an Inquiry Officer. The applicant submitted his reply. The Department produced certain documents <sup>in</sup> ~~and~~ evidence and ultimately the Inquiry Officer found the charges to be fully proved against the applicant.

4. The report of inquiry was considered by the disciplinary/appointing authority namely Superintendent of Post Offices, Pratapgarh Region, one Shri Ram Krishna Balagan who mentioned that he had thoroughly examined the record of the inquiry and was in full agreement with the findings of the Inquiry Officer. He held that the applicant was not fit to be retained in the service of the Postal Department and therefore by an order dated 9.8.82 he awarded punishment of removal of the applicant from service.

5. The applicant filed a suit for a declaration that his removal from service was illegal. He mentioned in the plaint that when he learnt that the amount of the two money orders ~~have~~ been delivered to incorrect persons, he promptly <sup>✓</sup> collected the amount from those persons and deposited them in the Post Office with the result that he has not misappropriated any amount. He urged that he was not permitted to cross-examine the witnesses of the Department and that the appointing/disciplinary authority has not recorded reasons for finding the charge to be proved.

6. In the written statement on behalf of the opposite parties, it was said that the applicant himself has appropriated the amount by receiving it



on making forged signatures and deposited the same after the defalcation by him had been found.

7. It was urged that the witnesses on behalf of the Department did not turn up and therefore there was no question of any opportunity of their cross examination by the applicant. It was next said that the appointing/disciplinary authority had in toto agreed with the findings of the Inquiry Officer and therefore<sup>it</sup> was not necessary for him to record his own reasons in detail.

8. We have heard the learned counsel for the parties and have gone through the record of the inquiry proceedings which had been produced by the opposite parties.

9. A perusal of the record shows that the Department could not produce any of the witnesses whom it desired to examine in support of the charges. The Inquiry Officer's findings report<sup>is</sup> that the witnesses did not turn up because they had turned hostile. The contention on behalf of the applicant therefore that the applicant did not have an opportunity of cross-examining the witnesses for the Department is misconceived; the occasion itself did not arise.

10. The fact that the applicant ultimately deposited the amount which, on the own admission of the applicant, had been paid to the persons who were not payees, does not save the applicant from his responsibility for negligence in discharge of his duties.

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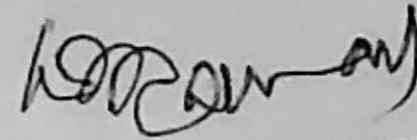
11. It is true that the disciplinary/appointing authority has not recorded any independent reasons of his own to support the charges and has only mentioned that he has thoroughly examined the record and wholly agreed with the findings of the Inquiry Officer. It would have been certainly better for the disciplinary/appointing authority to record his own reasons, even though briefly, to indicate his agreement with the findings of the Inquiry Officer; but a failure to do so does not necessarily vitiate the finding or the penalty order if the record shows that there did exist material on the record which could justify the findings of the Inquiry Officer. It will be appreciated that the Executive Officers do not possess that judicial background which has been recognised in the procedures of civil remedies before a Court, and therefore it would be unrealistic to insist upon a similar standard of procedural performance. That is why the administrative law recognises the observance of rules of fairness and reasonable opportunity to meet a charge as generally sufficient to uphold an inquiry finding from the aspect of procedure. On an overall consideration of the matters, we are of the opinion that there was material on the inquiry record which could justify the findings of the Inquiry Officer and since the disciplinary/appointing authority examined the record, his ultimate findings cannot be held to be vitiated or per<sup>n</sup>verse simply because he recorded his complete agreement with the findings of the Inquiry Officer.

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12. The last <sup>point</sup> urged by the learned counsel for the applicant is that while awarding punishment the disciplinary/appointing authority looked into some earlier events concerning the applicant without giving an opportunity to explain the same. There is no basis for this contention; nothing on record bears it out.

13. In view of the above, this application deserves to fail and is dismissed. Parties shall bear their costs.



Member (A)



Vice Chairman

Dated the 13<sup>th</sup> July, 1989.

RKM