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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No.175 of 1987

Nirbhaya Singh Applicant

Versus

Union of India & Others Respondents.

Hon.D.S.Misra, A.M.

Hon. G.S.Sharma, J.M.

(By Hon.D.S.Misra, A.M.)

This is an application under Section 19 of the Administrative Tribunals Act XIII of 1985 praying for quashing of the orders dated 16.4.86 and 31.10.1986 removing the applicant from the post of Extra Departmental Branch Postmaster and rejecting the appeal against the order of punishment.

2. The admitted facts of the case are that the applicant while working as Extra Departmental Branch Postmaster, Bhakanda, District Allahabad was served a chargesheet dated 30.1.85 informing him that an inquiry under Rule 8 of the E.D.A.(Conduct & Service) Rules, 1964 will be held. The charge levelled against the applicant was that while functioning as Extra Departmental Branch Postmaster, Bhakanda, District Allahabad on 5.6.82, he violated Rule 131 of Rule for Branch Offices and Rule 17 of the E.D.A.(Conduct and Service) Rules, 1964. The Inquiry Officer found the applicant guilty of the charge and the Senior Supdt. of Post Offices, Allahabad agreeing with the findings of

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the Inquiry Officer imposed the penalty of removal from service vide order dated 16.4.86. The appeal of the applicant to the Director Postal Services was rejected vide order dated 31.10.1986.

3. At the time of argument the learned counsel for the respondents produced the original inquiry file. We have heard the arguments of the learned counsel for the parties and carefully perused the documents on record. It is not the case of the applicant that there was any illegality in holding the inquiry or that the findings of the Inquiry Officer is based on no evidence. From the perusal of the records it is noticed that the applicant was given full opportunity to cross-examine the witnesses produced by the prosecution and produced witnesses in his defence. Therefore there is no apparent illegality in the holding of the inquiry. We also find that the order passed by the disciplinary authority has discussed the findings of the Inquiry Officer before agreeing with the findings of the Inquiry Officer. Similarly the appellate order is also a detailed and speaking order and there is no justification for interfering ^{with} either the order passed by the disciplinary authority or the appellate authority.

4. The charge against the applicant is that while working as Extra Departmental Branch Postmaster, Bhakanda he received a sum of Rs. 250/- on 5.6.82

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from Shri Ashok Kumar Gupta, depositor Bhakanda Savings Bank Account No.2222924 alongwith the Pass Book to deposit in his Savings Bank Account. The applicant deposited Rs.250/- in the Pass Book of the said Account on 5.6.82 with initial and date stamp. He entered this deposit in BO SB journal but later on this entry was crossed with his initial dated 7.6.82. He did not account for this amount of deposit in the BO Account and BO daily account of Bhakanda BO on 5.6.1982. Further subsequent deposit of Rs.250/- was made by the depositor on 17.7.82. The applicant entered this deposit in the Pass Book as Rs.2500/- and the balance raised only by Rs.250/- on 17th July, 1982 with his initial and date stamp but he accounted for Rs.500/- in the BO SB Journal, BO Account and BO daily Account dated 17.7.82. During the inquiry the applicant has stated in his written statement that a sum of Rs.250/- was kept with him from 5.6.82 to 17.7.82 and he forgot to account for and credit to Govt. on 5.6.82. It was thus noticed that on his own admission the applicant had misused the amount of Rs.250/- from 5.6.82 to 16.7.82 and this amounts to temporary embezzlement. Such conduct of the applicant comes within the definition of grave misconduct and carelessness in making wrong entry in the Pass Book. We are not convinced by the arguments of the learned counsel for the applicant

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that the punishment of removal from service was much in excess of the gravity of misconduct established against the applicant. We are of the opinion that there is no merit in the application. Accordingly, we dismiss the application without any order as to cost.

J. M.
J.M.

A. M.
A.M.

Dated the 2nd Dec., 1988.

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