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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

O.A. 40/87

J.N. Pandey

.. .. Applicant

Versus

Union of India and Ors

.. .. Respondents

CORAM:

Hon'ble Mr. Justice U.C. Srivastava, V.C

Hon'ble Mr. K. Chayya, Member(A)

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

The applicant was working as Extra Departmental Branch Post Master on 4.1.77 and while working he was charge sheeted. There was 2 charges against him which are as under:

- (1) That Shri Jagdish Narain Pandey while working as Extra Departmental Branch Post Master Jigni Bujurg accepted for deposit Rs.1000/- on 12.4.84 and Rs.150/- on 27.4.84 from the depositor of S.B. A/C No.448123 made entries in the Pass Book but failed to account for the money violating Rule 131(3) 174 of B.O. Rules and Rule 17 of E.D.R.S Conduct and Service Rules 1964;
- (2) That Shri Jagdish Narain Pandey while working as Branch Post Master Jigni Bujurg absented unauthorisedly from duty w.e.f. 23.1.84 to

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24.1.84 violating Rule 5 of E.D.R.S Conduct and Service Rules 1964.

2. An enquiry officer was appointed who conducted the enquiry and submitted the enquiry report. The applicant denied the charges and submitted <sup>that the</sup> allegations against him were not true. The prosecution did not produce the depositor Smt. Phoolmati who filed an affidavit to the effect that she had not deposited the amount of Rs.1000/- and Rs.150/- on the said dates and she had only Rs. 2850/- in her Pass Book. She supported her statement examining her on behalf of the applicant and <sup>an</sup> another witness stated that he could not state with certainty whether the applicant had made entries in the pass book or not. <sup>An</sup> another witness Shri Ghanshyam Tewari has made a statement stating that as an officer in Uruwa Bazar he never found the applicant's honesty and integrity doubtful. According to the applicant the respondent no.2 has acted as an expert of handwriting and has made arbitrary and incorrect assumption of fact. The applicant has filed an appeal against the same which also met the same fate.

3. The respondents have opposed the application and have stated that after receipt of the enquiry report from the Enquiry officer the disciplinary authority i.e. the Senior Supdt. of Post Offices considered the matter and finally dismissed the



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applicant from service with immediate effect vide memo No. Ch.8/Bachat Bank/84-85 dated 11.6.1986. It has been stated that the applicant was the sole custodian of the date stamp and he was responsible for the same. It is stated that it is a fact that the depositor denied to have been deposited the amount of Rs.1000/- and Rs.150/- in her account but the pass Book of the person bear the entries to have been made by the applicant. It is further submitted that the witnesses Shri P.C. Verma Sub-Post Master and Shri K.P. Pandey the S.D.I concerned in the course of oral hearing confirmed the entries made to be/in the handwriting of the applicant. The applicant himself admitted that the date stamp affixed was of the same post office though the second one of 12.4.84 was illegible and apparently of Jigni Bujurg branch office on the pass book. However, it is submitted that the witnesses Shri P.C. Verma and Shri K.P. Pandey have proved that the entries made in the handwriting of the applicant. In pursuance to the Departmental Rules the entries are to be made after receipt of the money. The disciplinary authority ~~was~~ perfectly awarded the punishment to the applicant considering the material facts of the case and departmental rules. The Appellate Authority has also taken the first charge which was proved on the basis of documentary evidence, though the second one was not considered to be proved by him. It cannot be said that opportunity was not given to the applicant to defend and it is not the case of the

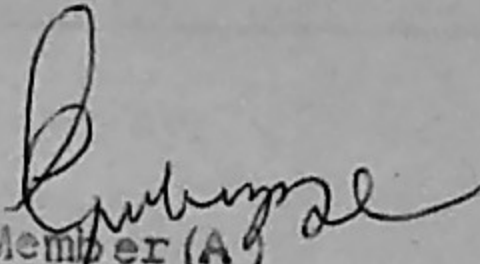
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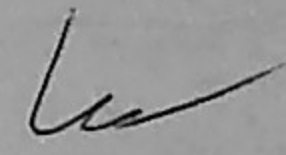


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applicant that he has not been challenged. Accordingly,  
this application is dismissed with no order as to the  
costs.

  
Member (A)

  
Vice Chairman

Dated: 13th October, 1992.

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