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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

O.A. No. 547 of 1987

Ram Nagina Applicant

Versus

Senior Superintendent of Post Offices, Gorakhpur
& others Respondents

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

Hon'ble Mr. K. Obayya, A.M.

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

The applicant, who was working as NSC Issue/Discharge Postal Assistant, was served with a memo of charge for his failure to submit the scheduled weekly return of NSC Issue/Discharged Journals to the Director of Accounts and for his failure to keep safe custody of discharged NSCs worth Rs.29,400/- resulting into their re-encashment and which put the Government to a loss of about six lacs in respect of which we have disposed of and are deciding other cases also. The applicant submitted his reply and thereafter the Enquiry Officer submitted his return and acting on the Enquiry Officer's report, the Disciplinary Authority awarded the applicant the punishment of compulsory retirement from service.

2. In the counter-affidavit, the details of the names of the officers who were involved have been given. The applicant while he was working as NSC Counter Clerk during the period from 15.1.84 to 18.1.84, according to the respondents, violated rules 572 and 573 of Post and Telegraph Manual and that is why the proceedings against him took place.

3. Learned counsel for the applicant contended that the Enquiry Officer exonerated him and yet the Disciplinary Authority punished him and he has taken

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us to the Enquiry Officer's report and the order passed by the Disciplinary Authority and he also contended that the charge was not proved satisfactorily and there was only suspicion but it was a sort of rather more or less the narration of fact and while recording findings, the Enquiry Officer did not hold him guilty and held that the charge against him was proved and the very same finding was maintained by the Disciplinary Authority and as such the contention that there was no such finding, ^{but is} based on suspicion, is not correct. The Enquiry Officer and the Disciplinary Authority have ^{ly} exhaustive/dealt with the same and we have gone through the record and we find that the finding ~~which~~ is based on material on record, and it cannot be said that the ~~modative~~ findings have been recorded regarding suspicion and only ^{on this} ground of suspicion, action has been taken against the applicant. The applicant's plea that the statutory rules and standing orders have been ignored is not correct. The Enquiry Officer has dealt with all the facts stated before him and it was not for him to decide regarding applicability of the rules. It was on the basis of the fact that the Enquiry Officer came to the conclusion that the charge against the applicant was proved and the plea that he was not allowed to look into the certain documents or defence notice, was also not correct and we find from the record that all the reasonable opportunity was given to the applicant whatever he liked and he did tender the evidence and the finding is based on evidence. It is not a case in which there was no evidence but the finding has been recorded against him. So far as distribution of work is concerned, obviously, the applicant worked as such and it cannot be said that he was not working as counter clerk and he had nothing to do with the NSCs when the dealing with the NSCs

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has been proved. So far as the Enquiry Officer's report is concerned, it was not obligatory to give the same. We have looked into the proceedings of enquiry and find that reasonable opportunity of hearing was given to the applicant. Accordingly we do not find any ground for interfering with the same and the application is dismissed. No order as to costs.

R. Bhargava
MEMBER (A)

DATED : JANUARY 20, 1993.

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VICE CHAIRMAN.

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