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## CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No.566 of 1987

Ram Kewal

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Applicant

Versus

Supdt. of Post Offices &amp; others ...

Respondents

Hon. Mr. A.K. Sinha -Member (J)

Hon. Mr. B.K. Singh -Member (A)

(By Hon. Mr. B.K. Singh -AM)

This O.A.No.566 of 1987 Ram Kewal Vs. Supdt. of Post Office, Basti and others is directed against the order of termination of services of the applicant as E.D.B.P.M., Bankeygaon(Basti) as contained in the memo No.F-2/1/81-82 dated 12-11-1985.

2- The facts of the case in brief are that Shri Ram Kewal was a xxxxxxxxx Branch Post Master of Bankeygaon Post Office in Basti. The applicant received an insured letter No.411 dated 14th January.1981 for Rs.700/- from Majgaon Road, Bombay addressed to Shri Maulvi Mansoor Ahmad R/o Village and Post Bankey Gaon. It is stated that this was duly entered in B.D. Slip with another insured letter No.408 for Rs.650/- addressed to the same addressee and subsequently two more insured letters No.603/200 and 255/300 were received at the Branch Rxxx Office on 19th January,1981 and 20th January.1981 respectively addressed to the same addressee. The applicant received the aforesaid insured letters while functioning as EDBPM, Bankeygaon. It has been stated that the applicant delivered the aforesaid insured letters No.408,603 and 255 to the addressee on 21st January,1981 correctly. It has been admitted that the applicant did not deliver the insured letter No.411 amounting to Rs.700/- to the addressee. He is reported to have shown it as delivered on 21st January,1981. During the course of enquiry, the applicant produced the receipt in respect of said insured letters which was signed by the addressee



on 24th September, 1980 in respect of some other insured letters which was delivered to him on that date. There was overwriting with regard to the dates of delivery etc., and there was also over-writing in case of amount also. It seems that the receipt was forged. The applicant tried to prove the correct delivery of insured letter No. 411 on the basis of various receipts with him. The departmental instructions are clear on this subject. In case of insured letter receipt of the addressee is obtained on Branch Office Journal in addition to the addressee's receipt. In this case, the applicant falsified the Branch Officer Journal dated 20/21st January, 1981 by pasting a piece cut-out from SO journal dated 24-9-1980/25-9-1980 on which signatures of the addressee were entered in respect of delivery of some other insured letters delivered on 24-9-1980 corresponding to the aforesaid forged receipts. It was, therefore, established that the insured letter No. 411 for Rs. 700/- was not delivered by the applicant to the addressee. The claim of the sender for Rs. 700/- was settled by paying the value of the insured letter by the department which had to bear this loss of Rs. 700/-. On the basis of the forgery committed and also on account of swindling of Rs. 700/- of the sender based in Nigaoon Road, Bombay, the applicant was proceeded under rule-8 of Extra Departmental Agents Rules 1964 vide office memo dated 23.5.1985. Since the applicant refused to admit the charges an enquiry was initiated against him on the pattern of Rule-14 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965. Shri R.S. Jaiswal, Sub-Divisional Inspector (West) was appointed as Enquiry Officer to enquire into the charges. Sri Jaiswal completed the said enquiry after giving all reasonable opportunity to the applicant and submitted his report vide letter dated 9th September, 1986. During the course of enquiry, Enquiry Officer found that all the charges levelled against the applicant were proved to the hilt.





-3- The case was further examined in all respects with all connected records by Shri K.P. Tripathi, the then Superintendent of Post Offices, Basti Division. He also found that the applicant was fully responsible for the various omissions and commissions in respect of delivery of insured letters in question and also for forgery of signature of the addressee Shri Mansoor Ahmad. After following the procedure laid down, the penalty of removal from the service was inflicted by the applicant by office memo dated 12th November 1986 and he was removed from the post of E.D.B.P.M.


4. Being dis-satisfied, the applicant filed an appeal with the Director of postal Services, Lucknow Region who after going through all the connected records of the case, rejected the appeal of the applicant vide his memo dated 31st March 1987. The falsification of record, forgery over-writing and non-delivery of insured letters amounting to Rs.700/- were proved and accordingly the appeal was considered and dismissed by the Appellate Authority. Although the applicant is not a Government Servant as envisaged in the Constitution nor does he hold a post even then the authorities have treated him as a Govt. servant under Rule 14 of C.C.S.(C.C.A) Rules 1965 and afforded him all opportunities following the principles of natural justice. We find that the authorities have followed at every stage the procedure, rules and principles of natural justice as required under Article 311(2) of the Constitution. We do not find any flaw in the order or in the procedure followed by the respondents. Even though, Ramzan Ali case in which the principles of natural justice <sup>were enumerated and are</sup> ~~were~~ required to be followed are not applicable in this case, <sup>being 1971</sup> the Enquiry Report and all other relevant documents along with charge-sheet etc

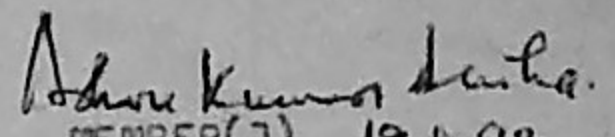
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had been given to the applicant and he was given full opportunity. His appeal was also duly examined and rejected and, as such, we are not inclined to interfere with the order of removal of the applicant from service by the competent authority and accordingly the application is dismissed. There will be no order as to cost.

  
MEMBER(A)

  
MEMBER(J) 19.8.93

DATED: Allahabad, August 19, 1993.

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