

(X)

THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH-ALLAHABAD.

D.A. 582 of 1987.

(9)

Shri Jagannath Prasad..... Applicant.

Versus

1. Director Postal Services, Allahabad.  
2. Sr. Superintendent of Post Offices, Allahabad..... Respondents.

Hon'ble Mr. Justice U.C. Srivastava-U.C.  
Hon'ble Mr. K. Obayya -A.M.

(BY Hon'ble Mr. Justice U.C. Srivastava-U.C.)

The applicant was appointed as a Clerk in Postal Department in 1965. While he was working at Chopan, he was served with a charge sheet dated 14.2.68. The applicant denied the charges levelled against him. The charges against him precisely were that he refused to perform the duties and did not allow his packer to join duties and Mis-behaved and threatened Sri V.P.Rai I.P.O. Mirzapur while he was engaged in recording the statement of said Jagannath Prasad and while functioning at Renu Sagar, he failed to detail shortage of Rs. 173=80 P. in the account of at Renu Sagar Post Office and continued to show incorrect balance and while functioning at Renu Sagar on 28.9.67 he abstracted two currency notes of Rs 100/- each ~~xxxxxxxxxxxxxx~~ in an envelop in collusion with the packer Lalita Pd. and divided the booty in ratio i.e. 125 and 75. An Enquiry Officer was appointed and Enquiry Officer after concluding the enquiry submitted the report to the disciplinary authority, the senior Superintendent of Post Offices Allahabad. The disciplinary Authority awarded two punishments to him vide order dated 17.2.67 and converted the proceedings dated 14.2.68 from Rule 14 to Rule 16. The punishment was of recovery of Rs. 200/- and stop of increments for three years. This punishment was carried into effect and the memo was also realised from him into instalments.

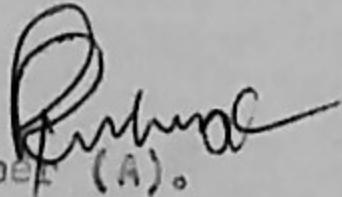
2. It appears from the pleadings that the appellate Authority set-aside the punishment order and remitted back the case for *denovo* proceedings. Thereafter the applicant was placed under suspension on 10th November, 1976 and again on 26th September, 1984 vide order dated 31.3.86 holding that the charges against him was proved, the disciplinary authority dismissed the applicant from service, but the Director of Postal Services agreeing with the

(A2/2)

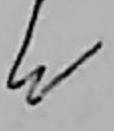
(10)

findings on humanitarian ground reduced the punishment into compulsory retirement which order is now under challenge. In the criminal case which started against the applicant, a final report was submitted.

3. The punishment order was passed ~~in~~ some 18 years after during which the proceedings remains pending ~~denovo~~ proceedings also started. The applicant has challenged the order which is against him on the ground of inordinate delay and incorrectness of findings and non giving of opportunity of hearing and that ~~nothing~~ nothing against postal rules was done. The appellate authority was within the jurisdiction to record the findings on the point after discussing the evidence, though they have arrived at a particular conclusion, which cannot be said that it is based on extraneous and irrelevant matters and not facts on record. It is because that the punishment order earlier set-aside and ~~denovo~~ enquiry was started and i.e. why the matter lingered on and dragged on for 18 years and we do not find any ground for interference in the findings so recorded and the matter was ~~xxxx~~ properly dealtwith and accordingly the application has got to be dismissed, but with the observation, the appellate authority itself found that the punishment awarded to the applicant was harsh and excessive and that is why it reduced to compulsory retirement. The applicant's case for re-employment <sup>if</sup> can be considered and/it is desirable that he may be given re-employment, if there is no insurmountable difficulty in the way but with the other observations, the application is otherwise dismissed.

  
Member (A).

Dt: Sept. 3, 1992.  
(DPS)

  
Vice Chairman.