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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

O.A. 883 of 1987.

Virendra Bahadur Saxena .....Applicant.

Versus

Post Master General, U.P. & 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, while working as Asstt. Post Master at SBI, Fatehgarh, was charge sheeted on 27.9.85. The charge against the applicant was that the applicant, while working as A.P.M. (SBI) Head Office, Fatehgarh did not check irregularities nor did he challenge the difference in the balance as well as erroneous date impression of the date stamp and thus, he failed to check Sri Bachan Lal, HO Ledger Clerk in Fatehgarh Head Office who did not note the said fact in the objection register. The applicant also did not call for Saving Bank Pass Book of a particular account through the EDSPM Akbarpur for settling the discrepancy in the balance as required under Rule 448 of P & T Manual Vol. VI part II and, therefore, non-accounting for a sum of Rs. 380/- dated 18.7.81 by one Shri V.K. Dubey, the then E.D.S.P.M. Akbarpur could not be taken there. He also failed to get the list of accounts of Akbarpur, EDSO, the pass books of which had not been received for addition of the annual interest for the year 1979-80 till 30.6.80. The charge against the applicant was thus for non-compliance of certain provisions of P & T Manual. Admittedly, a fraud was committed by the E.D. Sub-Post Master to the tune of 70,000/-, the details of which have been given in the counter-affidavit. Ultimately, it is said that the Government has suffered a loss

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of Rs.68,000/-. Thus, the applicant was lack of supervision and checking. An enquiry proceeded and in the enquiry proceedings, the applicant was held guilty and a punishment of recovery of Rs.2500/- was imposed which the applicant deposited but he filed an appeal against the same. The grievance of the applicant is that although he filed a departmental appeal and pointed out that he is not responsible for any liability which was fastened over him and made reference of certain provisions of Postal Manual and also pointed out that the pay-inslip shows that the depositor under his signature dated 3.2.81 deposited a sum of Rs.1000/- and balance was recorded as Rs.39-44NP. The entry of S.B.Account Ledger Card shows that the balance after the deposit is Rs.39-44 NP. The dash between 39 and 44 indicates the mark of NP and as such after deposit of Rs.1000/-, the balance should not be less than 1000/- atleast. Thus, certain other discrepancies were also pointed out and it was stated that the maximum the omission can be brought within the purview of Rule 452(5) which refers to the cases of interest posting in SB Accounts by the Ledger Clerk and as such for the said omission, no responsibility can be fixed on the applicant as it is the Ledger Clerk who is responsible for the same and not the Supervisor. The appellate authority dismissed the appeal, filed by the applicant and it appears that because recovery order was passed against the applicant, he was not considered fit for promotion and consequently he was not promoted. The applicant has challenged the punishment order due to which his promotion was not made. In this case, the punishing authority passed an order fixing liability to pay a sum of Rs.2500/- although the Government has suffered a loss of Rs.68000/-. The appellate authority while agreeing with the findings

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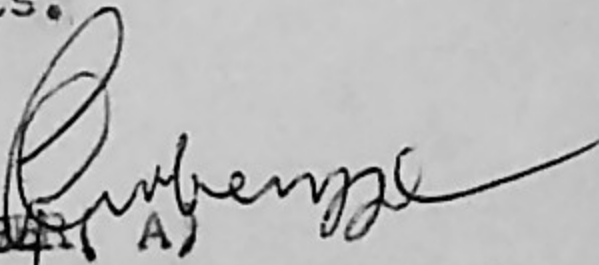


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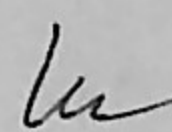
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recorded by the punishing authority, has not said a word about it. As provided in the Postal Manual that without fixing liability of a person regarding loss which has been suffered by the Government, he cannot be made liable to pay a particular amount. In this case because of lack of supervision and checking by the applicant, the Government has suffered a loss and after fixing liability of a person, an order of recovery could have been passed. As such the punishment order deserves to be quashed and is accordingly quashed. However, it will be open for the respondents to proceed with the enquiry in accordance with law and if the punishment order is not sustained, the respondents are directed to consider the case of the applicant for promotion with effect from the date he was entitled for promotion. Let it be done within a period of three months from the date of communication of this order. No order as to costs.

MEMBER (A)

  
DATED: JULY 30, 1992

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VICE CHAIRMAN.