

182

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Original Application No. 998 of 1987

Brinda Prasad Marhi Applicant
Versus
Sr. Supdt. of Post Offices ... Respondents

CORAM:

Hon'ble Mr. Justice U.C. Srivastava, V.C
Hon'ble Mr. K. Chayya, Member(A)

The applicant was employed as Post Master and in the post office one Ram Naresh Singh is said to have been misappropriated the public money of several post offices saving bank deposit recurring deposit and time deposit as well as amount realised from purchase of National Saving Certificates. The applicant who has now retired from service in the year 1987 was said to be a subsidiary offender inasmuch as he failed to discharge a proper duty as per provisions contained in the departmental rules.

2. Ram Naresh Singh withdrew a sum of Rs.20,000 on 20.6.84 from one saving bank account and Rs.6500/- from another S.B. Account by making the signatures of depositor without their knowledge. The applicant was working as Asstt. Postmaster (Saving Bank S.O. Group)

Contd.../p2

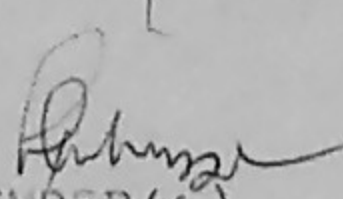
from June 1984 to July 1984. He did not get these amounts verified by issuing memo of verification as provided vide D.G.P&T Circular dated 10.8.1983 and Rule 459 of P&T Manual Vol. VI Part II. Thus these fraudulent withdrawals could not come to the light and this is how the main offender got an opportunity for further misappropriation which resulted into a loss of Rs.2.5. lakh to the Government. Thereafter the applicant was served with a memo of charges on 4.12.85. He was given an opportunity to file a representation and the disciplinary proceedings ended on 2.6.86 and the only punishment was awarded to the applicant for recovery of Rs.3195/-

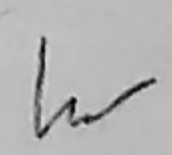
3. The applicant filed an appeal against the same, and in the meantime the Director Postal Services Allahabad issued a show cause notice proposing the punishment of recovery from Rs.3195/- to 4875/- and asked the applicant to submit a representation against the proposal. The applicant submitted a representation and it was thereafter the earlier punishment was confirmed and enhancement notice was dropped. The first instalment for recovery of Rs.213/- was made in June 1986 and rest of amount Rs.2982/- was credited on 22.7.86 to the Government account by the applicant himself. The grievance of the applicant is that he was not guilty at all and ofcourse he was not guilty at all, unnecessarily this recovery is being made from him. When he has proved that he was not at all responsible for the loss and he

A2
3

: : 3 : :

did perform the duty and somebody has committed forgery and the applicant cannot be held responsible with any part of the amount that is the loss suffered by the Government because of the withdrawal of the amount, ultimately the government has to bear. The applicant has tried to challenge the enquiry proceedings but we do not find any flaw in the enquiry proceedings but the only other contention ^{that} is ~~/xxxxxxxxxxxxxxxx~~ the liability as such was not fixed and without fixing the liability a sum of Rs.3195/- has been recovered by sending the matter and the government has suffered loss and incase the applicant would have been vigilant enough, obviously some of the loss would have been saved and that is why this punishment has been awarded. Taking into totality of the circumstances but the criteria as to how this amount has been fixed has not been disclosed as it was a case of token recovery because of negligence the amount should have been Rs.2000/- and accordingly the balance of amount shall be refunded to the applicant within a period of three months but without any interest. No order as to the costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 4th December, 1992:

(Uv)