

+01 A2
1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Original Application No. 1038 of 1987

Bansi Dhar Dwivedi Petitioner

Versus

Union of India and Ors Respondents

Shri Anil Kumar, .. Counsel for the Petitioner
Km. Sadhna Srivastava,
Brief Holder of Senior
Standing Counsel
Shri N.B. Singh .. Counsel for Respondents

Hon. Mr. D.K. Agrawal, J.M.

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

(By Hon. Mr. D.K. Agrawal, Member (J))

This application Under Section 19 of the Administrative Tribunal Act 1985 is directed against the punishment order dated 19.7.1985 confirmed in appeal on 31.10.1986 whereby the petitioner has been imposed a punishment of recovery of Rs.8668/- on account of neglect of duties as Asstt. Post Master-I on 9.9.83 and 10.9.83 at head post office Kunraghat. The grounds ^{on which} of the petitioner was punished is that NSC-II for Rs.15,000/- encashed at Gughali Sub-Post Office on 8.9.1983 accounted for in the Head Office on 10.9.1983 were not checked and discharged NSC certificates were not submitted to Audit Office.

Ok Agrawal

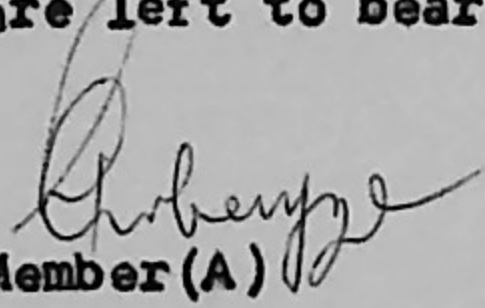
Contd..../p2

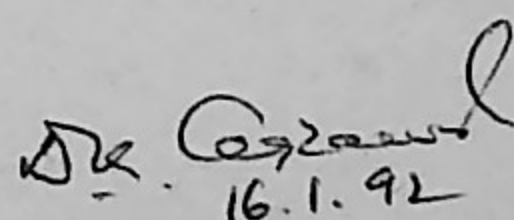
The petitioner's case is that he had fully complied with Rule 66(14) of Financial Hand Book Vol-II and prepared the summary in respect of all kinds of NSCs as reflected in the register maintained showing details of discharged NSCs; that as he was in leave arrangement deputed only for 9.9.83 and 10.9.83 & 5.10.83 and 6.10.83^{that} in the Casual Leave Vacancy he was not required to submit the statement to Audit Office. According to Rule 572 of P&T Manual, Vol.-VI, the weekly list of certificates issued and discharged are to be prepared by Head Office and weekly Summaries informs NC-30 and NC-31 are to be despatched to the Audit Office on the 1st, 8th, 16th and 24th of each month. Therefore he was not responsible for sending them to the Audit Office. This plea has been taken by the delinquent employee in his defence statement dated 12.2.85 as contained in (Annexure-A-II) as well as in the memo of appeal dated 6.9.1985 as contained in (Annexure-A-IV). However, we regret to say that neither the disciplinary authority nor the appellate authority has dealt with this aspect in their order dated 19.7.1985 and 31.10.1986. The disciplinary authority has only mentioned in its order dated 19.7.85 "He failed to get the discharged vouchers sent to the Audit Office in his time". This finding of the disciplinary authority is not satisfactory. The reason is that the delinquent employee was put on leave duty for two days only i.e. 9th and 10th September 1983 and then again 5.10.83 and 6.10.83.

Dr. Aswath

Whether the delinquent employee was under an obligation to send the vouchers to Audit Office on either of these dates? Finding in this regard has to be clearly recorded by the disciplinary authority as well as the appellate authority. In the circumstances we are unable to confirm the order of the disciplinary authority or the appellate authority. However instead of quashing the orders finally we consider that it is just and proper to remand the case^{to} of the disciplinary authority to consider the report of the Enquiry Officer the defence statement, another relevant rules and pass a fresh speaking order as to how the delinquent employee can be held guilty for neglect of duty in not sending the vouchers to the Audit office.

In the result we hereby quash the order of disciplinary authority, remit the case back to the disciplinary authority to pass a fresh speaking order within three months of the communication of the order in the light of the observation made above. The parties are left to bear their own costs.


Member (A)


16.1.92
Member (J)

Dated: 16th January, 1992

(uv)