

(P.W.A.)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

O.A. No. 1396 of 1988.

Mede Lal ..... Applicant.

Versus

Superintendent of Post Offices & 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 was posted as Registration Clerk in the Sub-Post Office, Karwi, Banda on 7.11.83. On that very date, he received a registered bag duly entered in the register as a routine procedure. According to the applicant, after several months it was noticed by the department that a registered bag from X-6-out Dak dated 6.11.83 was not received and counted for on 7.11.83 nor it was transferred by the applicant on that date and thus he has failed to observe Rule 157(2) of the Post & Telegraph Manual. A memo was handed over to the applicant containing the imputations of misconduct and mis-behaviour on 26.9.84 in this behalf. The applicant filed representation against the same and asserted that the opening time of Karwi Post Office was 7 to 10 a.m. and 1 to 5-15 p.m. on 6.11.83 and 7.11.83 when the incident is alleged to have taken place. The mail was received either at 7 a.m. or 1 p.m. when the Post Office of Karwi was opened. The peon, who brought the mail bag from Railway Station to the Post office Karwi, kept the bag with him from 10 a.m. to 1 p.m. and at 1 p.m. he handed over the mail bag to the P.O. Karwi. As a matter of fact, Dak which was received on 6.11.83 (Sunday), was delivered on the next day i.e. on Monday along with the next dak of 7.11.83 at 1 p.m. and the usual practice was

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followed by the post man. The applicant demanded the perusal of certain record but he was not allowed the same and subsequently a punishment order ordering that an amount of Rs.1000/- be recovered from the applicant, was passed. The applicant filed an appeal but no result and that is why he approached the tribunal.

2. The respondents have opposed the application and have stated that the applicant was expected to have full knowledge about due registered bags to be received by him on 7.11.83 and other working days. On receipt of public complaints from the public, an enquiry was made and then it was found that the contents of registered bag dated 6.11.83 are missing. The applicant was to see that all due registered bags were received by him or not as required under Rule 157(2) of Post & Telegraph Manual and in case the bags was not received by him, he should have challenged the non-receipt of due registered bag but he did not do so and infringed the Rule 144(2) of Post & Telegraph Manual. The four insured letters for Rs.3,296/- being contents of the registered bag dated 6.11.83 were lost due to inattention on the part of the applicant and due to negligence on the part of the applicant, an order for recovery of Rs.1000/- in 20 instalments of Rs.50/- each was passed. Under Rule 56(1) of Part 1 of P. & T. Manual, the entire responsibility was to go on Sub-Post Master but the Superintendent of Post Offices had completely exonerated the sub-Post Master and the applicant has been reproved in and has been questioned by respondents who have stated that the Sub-Post Karwi was found responsible for lapses on his part and he had voluntarily credited Rs.500/- to recoup the loss. Since the Official was to retire on 31.7.84, he credited his/ sham

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and having regard to the past satisfactory of the Sub-Master, he was exonerated by the respondents. The applicant was responsible for contributory negligence on his part and he was awarded a punishment of recovery of Rs.1000/- . When the person who was found responsible for the lapses on his part, voluntarily credited a sum of Rs.500/- and the same was accepted while he was exonerated by the respondents, then without apportioning the liability of the applicant, the respondents should not have ordered the recovery of more than Rs.500/- from the applicant as he joined the duties on that very date and the only charge against him was that he failed to have effective supervision. In case there would have been effective supervision on the first date itself, the loss may not have occurred. Accordingly, this application is allowed to the extent that the amount be reduced to Rs.500/- . No order as to costs.

*Prabhakar*  
MEMBER (A)

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VICE CHAIRMAN.

DATED : FEBRUARY 16, 1993.

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