

OPEN COURT
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Central Administrative Tribunal, Allahabad Bench (6)

A L L A H A B A D

Allahabad this the 2nd day of February, 1996

ORIGINAL APPLICATION NO.614 of 1988

Hon'ble Mr. S.Das Gupta A.M.

Hon'ble Mr. T.L.Verma J.M.
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J.P.Srivastava

S.P.M. Karvi (L.S.G.)

District Banda.

..... Applicant

C/A D.S.Srivastava

VERSUS

1. Union of India through Dy.General
Post Offices, New Delhi.

2. Director, Post Offices, Kanpur region,
Kanpur.

3. Supdt. Post Offices, Banda division,
Banda.

..... Respondents

C/A Sri N. B. Singh

ORDER (ORAL)

ORDER (ORAL)

Hon'ble Mr. S.Das Gupta A.M.

1. This application was filed challenging the order dated 7.4.1988, by which a penalty of recovery amounting to Rs.3500/- was imposed on the applicant. It has been prayed that the said order be quashed and the respondents be restrained from recovering the said amount from the pay of the applicant.

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2. The facts of the case briefly stated is that while working as Sub-Post Master Khurd on 4.10.1986, the applicant received certain high value money orders amounting to Rs.10,875.80 P payable to the Manager, Tulsi Gramin Bank, Karvi Banda. It was alleged that the applicant had initialed the money orders, but did not check them properly specially with regard to the date and stamp on the high value money order and thus contributed to a loss of Rs.10,875.80 P sustained by the department. A charge memo under rule 16 of CCS (CC & A) Rules was served on the applicant and after considering his reply, disciplinary authority imposed a penalty for the recovery of Rs.10,875.80 P by order dated 31.8.1987. The applicant preferred an appeal and the same was disposed of by an order dated 7.4.1988. The appointing authority moderated the penalty to that of Rs.3500/-. It is this order which is under challenge in this application on the ground that the applicant had completed all the formalities in respect of the money orders and therefore, the award of penalty and recovery was erroneous. It has also been pleaded that the authorities have not considered the provision of Rule 106 and 107 of the Post and Telegraph Mannual Vol.III and also Rule 37 of the P. & T. Mannual Vol. III. It has also been pleaded that his contribution to negligence has not been ascertained in a realistic manner.

3. The respondents have filed counter affidavit in which it has been averred that it was due to the applicant's negligence that the department sustained a loss of Rs.10,875.80 P being value of 11 (eleven) money orders, which were found to be bogus on verification. The applicant was, therefore, charged under Rule 16 of the CCS(CC&A)Rules, 1965 and after giving due consideration to this reply, he was found guilty of non-

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compliance with paras 310 and 256 of P & T Mannual VOL. VI (Part I), he was, therefore, awarded penalty of recovery of Rs.10,875.80 P by order dated 31.8.1987, which was subsequently modified by the appellate authority to that of recovery of Rs.3500/- by order dated 7.4.1988. It has also been contended that while awarding the penalty, directions contained under rule 106 and 107 of P & T Mannual Vol.III have been fully considered.

4. The applicant has not filed any rejoinder affidavit despite many opportunity afforded. Moreover, none appeared for the applicant at the time of hearing to advance arguments against the contention made in the counter affidavit.


5. It is clear from the averments that the applicant was prima-facie found negligent with regard to the disbursement of money orders, as a result of which the department sustained financial loss. A charge memo under rule 16 was served upon him and he was given opportunity to show cause why penalty be not imposed upon him. The reply was considered and after following the prescribed procedure, penalty was imposed upon him. However, the amount was reduced by the appellate authority by subseuent orders. We have gone through the relevant records carefully. There is no infirmity in the action by the disciplinary authority in imposing penalty upon the applicant. As regards the applicant's plea that certain rules have not been followed, such rules have not been produced before us. Moreover the respondents have stated in the counter affidavit that the provision of these rules have been taken into consideration. In the absence of denial by way of rejoinder affidavit, we have no reason not to accept the contention of the respondents.

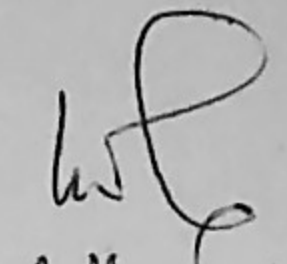
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6. In the result, we find that this application has no merit and is, therefore, dismissed. Parties to bear their own costs.


J.M.


A.M.

Siddiqui