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(4)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

Registration O.A. No. 828 of 1988

Raman Ji Yadav ... .. Applicant.

Versus

Senior Superintendent of  
Post Offices, Deoria Region,  
Deoria and another ... .. Respondents.

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

( By Hon. Mr. Justice U.C. Srivastava, V.C. )

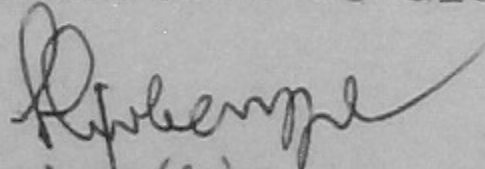
The applicant who was working as 'Extra Departmental Mail Peon Takiya was werved with a charge-sheet dated 31.5.1985 with the allegation that while working, he did not deliver the Money Order of Rs. 300 to Shri Sharda Chauhan, the real claimant, but he misappropriated that amount and later on he delivered the same to the younger brother of the claimant. On the basis of the above charge-sheet, the applicant was put off from duty on 13.8.1985 and ultimately his services were terminated vide order dated 31.3.1987. Thereafter, he filed an appeal, which too has been dismissed by the respondent no.1 vide order dated 11.3.1988. The proceedings against the applicant on the basis of the complaint made by Shri Sharda Chauhan that the amount has not been received by him. The applicant took the plea that the money was delivered to his brother Ajit Chauhan, No document whatsoever could be ~~produced~~ produced nor was the effort made to summon any document which may indicate that infact the payment was made to Ajit Chauhan on a particular date before witnesses and he received the money on behalf of Sharda Chauhan and in the absence of all such witnesses, the conclusion arrived at by the


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disciplinary authority was based on the facts and it can not be said it was perverse and it was not based on the facts of the case. It was in the hands of the disciplinary authority to award any penalty and if the disciplinary authority considered that it was a fit case in which the penalty of dismissal from service can be given, it can do so.

2. Learned counsel for the applicant contended that as the money was paid to Ajit Chauhan subsequently, and this fact was later on, admitted by Sharda Chauhan and after making the complaint, he should have been deemed that the payment has been made and that aspect has not been touched. This aspect has been touched by the disciplinary authority who has mentioned that the complaint was made by Sharda Chauhan and there was no evidence to prove that infact the payment was made. The learned counsel then contended that the appellate order is not a reasoned order but is a non-speaking and short order, The appellate authority affirmed the order passed by the disciplinary authority and in case the very same reasons have not been stated and this much has been stated that I have gone through the record and found that there was no reason to differ with the findings of the disciplinary authority, it can not be said that he passed an unreasoned order.

3. Accordingly, there is no merit in the case and the application is dismissed without any order as to costs.

  
Member (A)

  
Vice-Chairman

Dated: 14.8.1992

(n.u.)