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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the day 21 Feb of 1995.

ORIGINAL APPLICATION NO. 120 OF 1988.

Sita Ram I, S/o Sri Simroo Singh,

Asstt. Postmaster S.B.II, Shamli H.O.,

R/o A.P.M., S.B. II, Shamli-247776.

By Advocate Sri R.K. Tewari:..... Applicant.

Versus

1. Sr. Superintendent Posts,  
Muzaffarnagar.

2. Director Postal Services,  
Dehradun.

,..... Respondents.

By Advocate Sri N.B. Singh.

CORAM: Hon'ble Mr. Justice B.C. Saxena, VICE CHAIRMAN.

Hon'ble Mr. K. Muthukumar, MEMBER (A)

O R D E R (RESERVED)

By Hon'ble Mr. K. Muthukumar, MEMBER (A)

1. The applicant in this case is an Assistant Postmaster in Muzaffarnagar Postal Division. In pursuance of the disciplinary action taken against the applicant by the Senior Superintendent of Post Offices, Muzaffarnagar, the applicant was awarded the punishment of recovery of Rs 3600/- from his pay in 36 equal monthly instalments. His appeal against the said punishment order was also rejected by the Director of Postal Services. Aggrieved by this, the applicant has approached this Tribunal with

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- 2 -

a prayer that the impugned punishment order may be set aside by this Tribunal and the amount recovered from him, may be refunded. The applicant alleges that the punishment order has been maliciously imposed on him as the fraud was committed by the E.D.B.P.M Balwa who had misappropriated the money, and the Assistant Post Master of Shamli, H.O. who was also directly involved in the fraud case was also let off by a minor penalty of 'censure' by the Appellate Authority in that case. He alleges that the charges have been framed against him when there had been no infringement of the Rules and departmental regulation by him.

2. The respondents have resisted the contention of the applicant and have averred that the applicant while working as Assistant Post Master Incharge of Savings Banks Accounts failed to exercise proper check on the work of Ledger Clerk, They have also averred that the non maintainance of the different registers, documents, special error book etc. required to be reported to the Post Master who was also required to carry out against the check. They have also stated that during the course of enquiry, it has been proved beyond doubt that non maintainance of these documents resulted in non-detection of serious irregularities / fraud in this case. The applicant was given all opportunity to defend <sup>self</sup> him/during the enquiry but he refused to give any statement to the Enquiry Officer. The respondents have further averred that the major part of the fraud was detected in those pass books <sup>which</sup> were not called for posting after next and March transaction took place after March 1983/84 and had these

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- 3 -

been verified, the fraud would have come to light much earlier. All the Officers involved in the fraud case have been punished, the applicant was also punished for his failure to exercise proper checks over the work of Ledger Clerk and there had been no discrimination against the applicant in this regard.

3. We have heard the learned counsel for the parties and perused the record.

4. It is seen from the impugned order that the Disciplinary Authority had made a very detailed, reasoned and speaking order after going through the defence of the applicant and had come to the conclusion that the department had suffered a loss of heavy amount in the form of sanctioning claim in favour of the depositor's particularly due to the gross carelessness and negligence of the applicant in the performance of his duties of supervising the work of Ledger Clerk and his failure to exercise the necessary checks prescribed in the P & T Manual. The Appellate Authority had also considered the appeal and had passed a reasoned and speaking order justifying the punishment of recovery imposed on the applicant.

4. In view of this matter, we find that the disciplinary proceedings have not been vitiated in any manner. Besides in disciplinary matters, the Tribunal does not sit in judgment as a court of appeal and confines itself to satisfying whether the decision-making process has been vitiated and whether there has been any denial

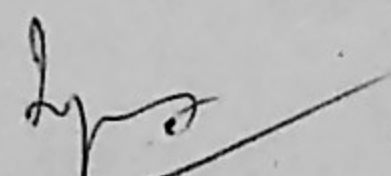


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of opportunity and natural justice to the applicant while under going the disciplinary proceedings. This is also in accordance with the decision of the Apex Court in Union of India and others Vs. Upendra Singh JT 1994 (1) Page 658

5. In view of the above, the application lacks in merit and is , accordingly, dismissed. No order as to costs.

  
MEMBER (A)

  
VICE\_CHAIRMAN

ALLAHABAD: DATED:

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