

A3
1

(5) (6)

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

Original Application No. 1202 of 1988

Nathu Singh Applicant

Versus

Senior Post Master and Others Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Obayya, Member (A)

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

The applicant was working as senior post Master Moradabad. Under Rule 16 of C.G.S. (C.C.A.) Rules charge memo dated 8.9.1986 was issued to him. The charge in brief was that Shri Nathu Singh Dy. Postmaster Moradabad H.O. Proceeded on leave for eleven days w.e.f. 21.7.1986 and while on leave, he signed the register of contingent expenditure serial No. 233 to 256 and also counter-signed the payee receipts in the capacity of Senior Post Master, Moradabad on 29.7.1986 pertaining to the conveyance charges for the self, violating provisions of Rule 60(3) of Posts and Telegraphs Financial Hand Book Volume-I. The departmental proceeding started against the applicant and he was awarded punishment of stoppage of his next increment for 18 months. The applicant filed an appeal before the appellate authority which was rejected vide order dated 27.3.1987. The petition to the president of India too was rejected on 28.6.1988, that is why he approached the tribunal

2. According to the applicant he believed that the amount of conveyance allowance will be

Contd.....2/-

A3
2

67

:: 2 ::

sanctioned; and he draw the amount in anticipation but later the moment he learnt that the sanction has not been received, the amount was refunded by him and as such no offence was committed by him. It has been further contended on his behalf that there were four other persons though they were not senior to him and they also committed the same irregularity, but a minor punishment was given to them though the offence is practically the same.

3. In the counter-affidavit, it has been stated by the respondents that in the disciplinary proceeding the charge-sheet was issued not only to the applicant but also the others, and the applicant has been punished not only for charging the conveyance charges for which he was not entitled but also signing the register of contingent expenditure in the capacity of Senior Post Master, and the action against him was taken on the ground for unauthorisedly acting as head of office while he was on leave and this is the distinction which has been drawn between the case of the applicant and others. The distinction may be fine but the distinction is there. The applicant being head of office, he unauthorisedly acted during the period he was on leave. As such it can not be said that any discrimination in the matter of the punishment has been done. The applicant may be under a bonafide belief that he was entitled to the charges and the same will be sanctioned but being a holder of a responsible post he should not have drawn the said charges unless formal sanction was accorded which was never accorded.

Contd.....3/-

Member (A)

10

(RKA)