

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

O.A. NO:  
Case NO:

899 of 1989

DATE OF DECISION: 23rd Dec 1989

Para Singh PETITIONER

CIA Sri R.K. Tiwari ADVOCATE FOR THE  
PETITIONER

V E R S U S

Union of India & others RESPONDENTS

CIA Sri C.S. Singh ADVOCATE FOR THE  
RESPONDENTS

C O N T E N T S

The Hon'ble Mr. S. Das Gupta, Member 'A'

The Hon'ble Mr. Jashir S. Dhalwal, Member 'T'

1. Whether Reporters of local papers may be allowed to see the judgement ?
2. To be referred to the reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether to be circulated to all other Bench ?

MANISH/

SIGNATURE

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

Original Application No. 899 of 1989

Allahabad this the 23rd day of December 1994

Hon'ble Mr. S. Das Gupta, Member(A)

Hon'ble Mr. Jasbir S. Dhaliwal, Member(J)

Tara Singh, S/o Shri Ganesh Singh A/a 30 years  
Ex. E.D.D.A. No.II Barhapur, Bijnor Vill Ismilpur  
Dani, P.O. Barhapur, District Bijnor.

Applicant.

By Advocate Shri R.K. Tiwari

Versus

1. S.D.I.(Posts), Norht Sub Division, Bijnor.
2. Supdt. Posts, Bijnor.
3. Union of India through Secretary M.O.C.,  
G.O.I., New Delhi-1.

Respondents.

By Advocate Shri C.S. Singh

O R D E R

By Hon'ble Mr. Jasbir S. Dhaliwal, Member(J)

Shri Tara Singh who was working as E.D.D.A. at Barhapur, Bijnor Post Office has come to this Tribunal challenging an order dated 30.3.88 (Annexure A-1) passed by the disciplinary authority and order dated 06.10.1988 (Annexure A-2) passed by the appellate authority by which his services have been terminated. He pleads that he had taken delivery of postal mail, registered letters, money orders etc. on 26.12.1985 and had proceeded on his beat. He lost the entire bag containing of this mail under the influence of liquor. He pleads that this bag was, however, found by one Heera Singh another E.D.D.A. who had brought it to the



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post office. He pleads that since the bag had been found, the charge of loss should have been dropped and the Enquiry Officer has drawn a wrong conclusion on this charge. He pleads that the Enquiry Officer had not given him opportunity of explaining reasons as to how the bag was lost. He further pleads that the second charge of his being absent from duty is also not proved. Last of all, he has pleaded that the punishment of removal from service is too harsh. He, thus, prayed for setting aside the order of the disciplinary authority and the appellate authority.

2. The respondents in the counter-affidavit have pleaded that the petitioner was a habitual absentee from duty and had lost the articles entrusted to him under the influence of liquor. It is pleaded that the Enquiry Officer recorded his findings after due consideration of all the facts brought forth-with in the inquiry including examining of witnesses and the documents. Full opportunity was given to the petitioner to defend himself. The charges were fully proved against him and he was also found absent from duty on 17.11.1986, 18.11.86, 07.3.86, 07.4.86 and 14.4.86 for which dates allowances were not paid to him on account of his absence from the duty. They, however, pleaded that the appeal was duly considered and was rightly dismissed.

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3- The learned counsel for the petitioner has repeated the plea taken in the petition that <sup>if</sup> even ~~it~~ be accepted that the petitioner was under the influence of liquor on 26.12.1985 and had lost the mail bag, the same had been found on the very next date. We have examined the record and find that accidentally one Heera Singh another E.D.-D.A. had found that bag and brought the valuable articles back, As far as proving of charges of loosing the mail bag containing those articles is concerned that charge was fully proved before the Enquiry Officer who examined various witnesses. The examination of the inquiry report (Annexure A-4) shows that no fault can be found with the same. A fair opportunity has been given to the petitioner to defend himself. The second charge was also proved from the office record.

4. We find no infirmity in the order of disciplinary authority who has considered the inquiry report and passed the orders impugned. Similarly the appellate order is found to be passed according to the rules, after application of mind. Considering the nature of proved charges, we do not find that the punishment imposed is either perverse or disproportionate.

5. We find no merits in this case and the same is dismissed without any order as to costs.

(MEMBER 'J')

(MEMBER 'A')

/M.M./