

Open Court

Central Administrative Tribunal,  
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 16th Day of March 2000.

Coram: Hon'ble Mr. S. Dayal, A.M.  
Hon'ble Mr. S.K.I. Naqvi, J.M.

Original Application No. 18 of 1992.

Raj Kishore Yadav aged about 56 years  
son of Sri Bhushan Yadav,  
resident of village and P.O. Muradganj,  
Distt. Jaunpur.

. . . Applicant.

By Sri R.B. Srivastava, Adv.

Versus

1. Union of India, through the Secretary,  
Ministry of Communications, Department of Posts  
Government of India, Dak Bhavan, New Delhi.
2. The Superintendent of Post Offices  
Jaunpur.
3. The Post Master, Jaunpur, Head Post Office  
Jaunpur.

. . . Respondents.

By Sri Amit Sthalekar Adv.

Order (Open Court)

By Hon'ble Mr. S. Dayal, Member (A)

This application has been filed seeking  
direction to the respondents to hold general  
enquiry regarding loss of amount of Rs.10,000-00  
in transmission in account bags and pass appropriate  
orders after general enquiry regarding money  
deposited by the applicant.

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2. The facts narrated by the applicant are that while the applicant was posted as Treasurer in Jaunpur Head Post Office, two account bags, one for Maharajganj S.O. and another for Singramau S.O. each containing a remittance of Rs.10,000/- were transferred by Asstt. Treasurer to Mail Clerk Jaunpur H.O. on 6.4.89. The account bag of Maharajganj S.O. was closed containing mail bag of Singramau S.O. and the account bag of Singramau was closed containing mail bag to Maharajganj S.O. The S.P.M. Singramau opened the bag for Rs.10,000/- in the account of Singramau S.O. noted the daily account and sent the same to Post Master Jaunpur S.O. for supplying revised S.O. slip. It is alleged that S.P.M. Maharajganj after opening the account bag again closed it for Singramau S.O. and returned it to Jaunpur H.O. on 10.4.89. It is alleged that during transmission amount of Rs.10,000/- was lost. The applicant claims that Post Master Jaunpur advised him to deposit the lost amount of Rs.10,000/- on the protest subject to final result of the general enquiry into the matter. The applicant claims to have moved an application to this effect dated 19.4.89. The applicant states that no general enquiry as promised, was held and the applicant was given a chargesheet by Superintendent Post Offices for negligence in duty and minor punishment imposing withholding of one increment without any future effect was awarded. He filed an appeal against it which was rejected.

3. The arguments of Sri Amit Sthalekar, learned

counsel for the respondents were heard.

4. The solitary contention of the applicant on the basis of which he has claimed relief is that he had not deposited Rs.10,000/- voluntarily but had deposited them on the assurance and advice of the Post Master that after completing the general enquiry into the matter and after ascertaining the facts as to who was guilty and who misappropriated the money, the money would be returned to the applicant with interest. This has been denied by the respondents who have mentioned in the counter reply that since enquiry was already instituted, the applicant, realising his culpability, credited the amount voluntarily on 19.4.89. We find from letter given by the applicant to the Post Master on 19.4.89 that the applicant had deposited Rs.10,000/- realising that it was his responsibility. The applicant did not mention that as far as his memory served him, he had not opened the bag on 10.4.89 in the treasury nor did he take any money. He had prayed that if <sup>real</sup> the/person culpable for the same was found, his money may be returned to him.

5. The respondents have mentioned in their counter reply that the enquiry into the case was completed and the report was submitted by the Enquiry Officer on 23.4.89. The report was carefully scrutinised and the applicant was found to be the main offender from whose custody the re-closed bag of Singramau Sub Office received from Maharajganj Sub Office was lost. It is stated that the applicant had received the reclosed ~~as~~ account bag of

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Singramau and did not challenge the non receipt of cash therefore, he was found guilty and minor punishment was awarded to him for not bringing to light the contents of the account bag deliberately and not making any entry of the same.

6. We find from the O.A. that the applicant is not challenging the minor penalty awarded to him but is only seeking direction to the respondents that general enquiry should be conducted and an amount of Rs.10,000/- if not lost by him, should be returned to him.

7. Since the applicant has not challenged the punishment awarded to him which was on account of not making any entry of receipt of remittance in treasurer cash book nor accounting for the amount of Rs.10,000/- and voluntarily credited the same under the account head on 19.4.89, the applicant was held responsible for temporary misappropriation from 10.4.89 to 18.4.89.

8. Therefore, in the above circumstances, we find no merit in the O.A. The O.A. is dismissed. No order as to costs.

*SACM*  
Member (J.)

*[Signature]*  
Member (A.)

Nafees.