

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

Registration O.A. No. 552 of 1992

Lalji Tewari Applicant.

Versus

Senior Superintendent of Posts
Azamgarh and others Respondents.

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

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

The applicant has filed this application against the three charges levied against him i.e. (a) Misappropriating the value of Santa Cruz (Bombay) insured letter dated 28.9.1987 for Rs. 1000/- by showing its forged delivery to its addressee (b) Misappropriating a sum of Rs. 1300/- by not taking the same in Government Account although it was credited in Saving Bank Account holder's pass Book No. 624086 (c) Misappropriating a sum of Rs. 200/- out of total Rs. 450/- received by him from Saving Bank Account. The enquiry officer was appointed and the enquiry officer submitted his report and the applicant was removed from service.

The applicant filed a departmental appeal which was dismissed and the review application also was dismissed. According to the applicant, the charges framed against the applicant was not proved as Haji Salim ~~had~~ clearly admitted the receipt of Rs. 1000/- from the applicant in his statement given before the preliminary Enquiry Officer, and when the final enquiry took place, the applicant was not present, he was

examined and thereafter 4 attempts were made by the applicant to cross-examine the said witness but opportunity was not given to him.

2. The respondents have refuted the allegations made by the applicant and have stated that the main witness attended the enquiry on 20.1.1989 and gave his written statement but cross-examination was not made. He is a man of 80 years old and cannot be expected to attend enquiry again and again although the enquiry officer has tried his best to get him cross-examined. So far as the second charge against the applicant is concerned, the depositor Shri Shanker wanted to get his brother Shri Shambhu Nath appointed as Branch Postmaster Bhadde replacing the applicant. Even it could be said that the other charges have been proved for which we make no final observation but the punishment could have been different in case the applicant succeeded in proving that so far as the first charge is concerned, the finding against him is not correct.

3. In these circumstances, the punishment order, appellate order and reviewing order are set aside and the applicant is given an opportunity to cross examine the said witness. Let this examination be made within a period of 1 month from the date of receipt of the certified copy of this order. In case the applicant absented himself and no cross-examination took place, this application shall be deemed to have been

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dismissed and if the witness has been cross examined, the disciplinary authority will ~~be~~ record a finding after taking into consideration his statement given on that date as well as his statement given earlier. The application is disposed of with the above terms. No order as to the Costs.

W.S.S
Member(A)

W
Vice-Chairman

Dated: 15.4.1993
(n.u.)