

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

Allahabad this the 19th day of April 2000.

Original Application No. 804 of 1992.

Hon'ble Mr. Rafiquddin, Judicial Member.

Hon'ble Mr. M.P. Singh, Administrative Member.

Mohd. Yusuf son of Late Mohd. Ishaq Ex-S. P.M.
Airain Fatehpur r/o Mohalla Taziana Tehsil Hatgaon
District Fatehpur.

.....Applicant

C/A Sri A.I. Naovi.

Versus

1. Union of India through the secretary of the
Ministry of Communication department of Post and
Telegraph, New Delhi.
2. Director of Postal Services Kanpur Range, Office
of Additional Post Master General U.P. Circle Kanpur
20801.
3. Post Master General, U.P. Circle Kanpur.
4. Superintendent of Post Office Fatehpur.

.....Respondents

C/R Sri S.C. Tripathi.

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ORDER

Hon'ble Mr. Rafiuddin, Judicial Member.

1. The applicant who was ^{at} the relevant time posted as Postal Assistant Bindki, District Fatehpur was dismissed by impugned order dated 21.7.88 passed by Director of Postal services Kanpur Range, (respondent no. 2). The applicant filed this OA for quashing the aforesaid dismissal order and for the declaration that the applicant is in service from the date of his dismissal and he is entitled to receive all the emoluments and benefits.

2. The applicant while posted as Postal Assistant, Fatehpur Head Office was served the chargesheet on 24.8.85. It was alleged that the applicant closed the 5 years TD account No. 3314592, which was not duly paid and his act was ^{an} violation of the rules. It was also alleged that the applicant showed over payment to take interest amounting to Rs. 4140.50 Paise and showed false payment and misappropriated the aforesaid amount. The applicant was also alleged to have erased the figure of 5 to zero making the year 85 as 80 and also Rs. 7 thousand made it as Rs. 11140.50/- Paise. The departmental enquiry was conducted and the enquiry officer submitted his report in which it was held that the charge levelled against the applicant was proved. The disciplinary authority on the basis of findings given by the enquiry officer awarded the punishment of dismissal from the service vide order dated 21.7.88.

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3. The applicant filed an appeal against the aforesaid punishment order and the same was also rejected vide order dated 7.8.89. The revision filed by the applicant against the order of appellate authority was also rejected by the Director General of Postal services vide order dated 18.2.92. Thereafter the applicant also filed the review petition before the President of India which was also rejected on 18.2.92. The applicant has challenged the correctness of the impugned order on the ground that since the over payment was reimbursed immediately by the applicant the question of misappropriation does not arise. It is also pleaded that the punishment awarded is severe and under the facts and circumstances of the case the same is not warranted and justified. The departmental proceedings is malafide and pre-planned and the dismissal of the applicant in fact is bad law and equity.

4. The respondents have opposed the application of the applicant and it has been contended in their counter reply that under the facts and circumstances of the case none of the grounds taken by the applicant are substantial in the eye of law.

5. We have heard Sri S.C. Tripathi learned counsel for the respondents and pursued the records.

6. It is evident from the grounds taken by the applicant in his original application that he has not mentioned any irregularities committed by the respondent

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in conducting the disciplinary proceedings in question. It appears the main grounds taken by the applicant is that punishment awarded is too harsh because the applicant was ^{to} retire within 2 years when the punishment order was passed.

7. It is needless to emphasise that this Tribunal does not act as an appellate authority in the case of disciplinary proceedings. The Tribunal has also no jurisdiction. ^{to} ~~The~~ question ^{the} ~~of~~ correctness and adequacy of punishment awarded by the disciplinary authority. It is only the departmental authority who can ~~be~~ consider whether the punishment is harsh or not. In the present case, We find that the applicant has already approached appellate authority as well as the President of India who have not found any ground for less ~~er~~ punishment.

8. We therefore, do not find any justification to interfere in the punishment order awarded by the disciplinary authority. CA is accordingly dismissed.


Member A


Member J

/n.s./