

RESERVED:

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD.

Dt This The 24th Day December, 1996.

CORAM: Hon'ble Dr R.K.Saxena. JM.
Hon'ble Mr D.S.Baweja. AM.

original application No: 215 of 1993.

Kunwar Rakesh Singh, Branch Post Master,
Samarqheera Laxmipur, Gorakhpur,
district:Gorakhpur.

.. Appliant.

C/A.S/Sri P. K.Mishra, and
D.B.Mishra.

Versus:

1.Union of India through Chief Post Master
general Uttar Pradesh, Parimandal,Lucknow.

2. Nideshak Dak Sewayen, Gorakhpur-
Region, Gorakhpur 273012.

3. Pravar Adhikshak(Dak),
Gorakhpur.

.... Respondents.

C/R: P. Mathur.

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1.9.1988. An enquiry proceeded and on its completion, the Enquiry Officer submitted its report to the - Disciplinary Authority holding that the Charge was established. The Disciplinary Authority consequently passed the impugned order (annexure-1) about his removal from service. The applicant preferred an appeal, but the appeal was beyond the period of limitation. Therefore, the appeal was dismissed on being preferred beyond limitation.

2. Feeling aggrieved of those orders, this C.A has been filed with the reliefs which are already mentioned.

3. The respondents have contested the case and filed counter-reply. Alongwith the counter reply, the respondent -s filed a copy of the report of the Enquiry Officer and photostat copy of the address given on the insured letter of sender and of the addressee. The photostat copy of the entries made in the Branch Post office Journal are also brought on record. It is contended by the respondents that when this Insured letter was received at post office where the applicant was working, the name of the addressee was Smt.Champa Devi, and accordingly the entry was made in the Branch post office journal. It is further stated that the name of Smt.Champa Devi, was changed to KhampaDevi, because the said lady had refused to oblige and give any money for delivery of the insured letter to the applicant. It is also averred that the enquiry officer found the charges established. Therefore, the Order of punishment of removal - was rightly given.

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4. The applicant filed rejoinder stating the facts which were mentioned in the O.A. Besides this, it is also stated that the copy of the Enquiry report was not furnished to him.

5. We have heard the learned counsel for the parties and have perused the record.

6. There is no dispute that the applicant was working as Branch Post Master at the Post office where the insured letter was received ^{being} ~~for~~ ^{to} be handed over to Smt. Champa Devi. The entry of the name of Smt. Champa Devi was made in the journal of the Branch post office, which has been brought on record as (annexure-CA3). It has been claimed on behalf of the respondents that the applicant had demanded money from Smt. Champa Devi, and when she refused, the name was changed by converting the letter 'C' into 'K'. The letter 'h' was made to look as 'K'. The photostat copy of annexure CA-2, has been brought on record. It is clear from the perusal of the photostat copy that the letter 'C' was converted into 'K' and the letter 'h' was also converted into 'k'. The reasons advanced by the respondents is that the purpose of changing the name was to obtain the report that no lady of the name of the addressee was there so that the insured letter may not be delivered to the rightful owner. The contention of the learned counsel for the applicant is that there is no evidence to this effect. We do not agree with this contention because when the letter was received at the Branch post office, it was entered in the name of Smt. Champa Devi, and when the occasion of delivery came, the name was changed. It is also pointed out on behalf of the respondents that the insured letter remains in the custody of Post Master till

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it was delivered. It is, therefore, quite clear that the name was changed and it is visible to the naked eye. In the light of this documents (annexure CA2), it would be unjustified to say that there was no evidence.

7. It is also contended that the duty of delivery of the letter is not ~~passed~~^{cast} on the Branch Post Master, but it is the duty of the postman. Assuming this fact for a minute, the applicant was expected to have raised the question to the postman as to how the name was changed. He did not do so. It is possible only when he was involved in the matter. On this ground, this objection raised by the applicant also stands rejected.

8. It is also argued that the copy of the report of the Enquiry Officer was not given to the applicant. It is, therefore, tried to be argued that the punishment being violative of law laid down in ' Union of India and Others: V/S Mohammad Ramzan Khan ' (1991) 1 SCC 588, was bad. It may be noted that the Principles laid down in the case of Mohammad Ramzan Khan was made applicable prospectively. This position was made clear ~~before~~^{by} their Lordships of the Supreme Court in ' Managing Director ECIL vs. B.Karunakar ' (1993) Vol-IV SVLR. The judgment in the case of Mohammad Ramzan Khan was given on 20.11.90 whereas, in the present case before us, the order of punishment was given by the Disciplinary Authority on 2.4.1988. Thus, the principles of the case of Mohammad Ramzan Khan does not apply.

9. In the result, the O.A.fails. It is, therefore, dismissed. No order as to the costs.

[Signature]
AM

[Signature]
JM.