

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 06th day of November 2001.

Original Application no. 1862 of 1993.

Hon'ble Mr. Justice RRK Trivedi, Vice-Chairman
Hon'ble Maj Gen KK Srivastava, Member (A)-----

Gajraj Singh, S/o Sri IP Singh,
R/o village and Post Naraini,
Tahsil and Distt. Fatehpur.

... Applicant

By Adv : Sri Vijay Bahadur

Versus

1. Union of India, Ministry of Communication,
Department of Posts, Dak Bhawan,
Sansad Marg, through Assistant Director,
General (Trg.), New Delhi.
2. Post Master General, Kanpur Region,
Kanpur.
3. Director of Postal Services, Kanpur.
4. Chief Post Master, Kanpur
5. Superintendent of Post Offices, Fatehpur Division,
Fatehpur.

... Respondents

By Adv : Sri CS Singh

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O R D E R

Hon'ble Mr. Justice RRK Trivedi, VC

By means of this O.A. the applicant has challenged the order of punishment of removal dated 31.3.1990 passed by Chief Post Master, Kanpur (Ann. A-3), by which the applicant was awarded penalty of removal on conclusion of disciplinary proceedings. The order of punishment was confirmed in appeal by Director Postal Services (DPS) vide order dated 7.2.1991 (Ann. A-4). The petition filed against the order of punishment was rejected by Post Master General, vide order dated 28.1.1992 (Ann. A-5). Lastly, the applicant's memorial submitted to President of India, was rejected on 9.9.1993 (Ann. A-7).

2. The charge against the applicant was that on 25.6.1987 while he was serving as EDBPM, at post office Naraini(Fatehpur). Though he accepted Rs. 5500/- from the depositor Smt. Indrani, w/o late Chittani Kori, but he did not credit the amount in the Govt. record, though entry was made in depositor's pass book, when she approached the applicant for entries regarding interest, the entry was erased. Second, charge against the applicant was that he payed the amount on subsequent withdrawals on 1.1.88, 2.1.88, 4.1.88 & 11.10.88, no corresponding entries were made in the Govt. record. The third charge against the applicant was that in July 1988 the applicant took the pass book no. 1035024 from the depositor Smt. Indrani and made entries himself and it was not forwarded to the Head Post Office and the entry of Rs. 6403.95 p was shown. On inquiry the applicant denied the charge and contested the proceedings by filing his written statement. The Inquiry Officer submitted report on 15.1.1990. The Disciplinary Authority, ie Chief Post Master, Kanpur is ^{✓ agreed ✓} ~~agreed~~ with the conclusion

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of the Inquiry Officer and passed the order of punishment as mentioned above. The order ~~which~~ ^{which} has been ~~mentioned~~ ^{upheld} by the superior authority in appeal and revision.

3. Shri Vijay Bahadur, has submitted that disciplinary proceedings were initiated against the applicant by Superintendent of Post Offices (SPO), Fatehpur who was not authorised to initiate proceedings. The Chief Post Master, Kanpur was appointed as adhoc disciplinary authority under section 3A of EDA Rules 1964 by Post Master General vide order dated 14.2.1990. In short the submission is that as the authority initiated the proceedings was not competent, the appointment could not rectify the defects and it ~~is~~ ^{is} vitiated entire proceedings.

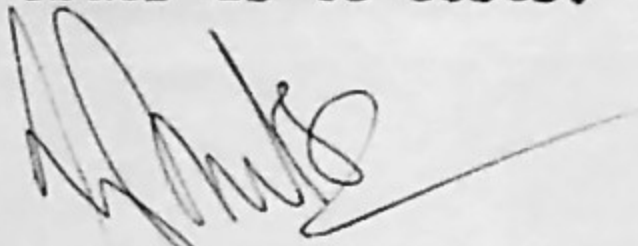
4. We have, carefully, considered the submission of learned counsel for the applicant, however, we do not find any force in his submission. It is true that memo of charge was served to the applicant by SPO, Fatehpur vide letter dated 15.5.1989, but no prejudice on ~~account of~~ ^{this Court} ~~it~~ has been caused to the applicant. The PMG on realising that applicant was appointed by class I officer, immediately appointed Chief Post Master, Kanpur, as adhoc disciplinary authority who is also a class I officer under rules. On account of this change, no prejudice ^{or has been} caused to the applicant. For the sake of argument it may be termed as a technical mistake for a short period at the time of serving the memo of charge, but such mistake does not vitiate the inquiry against the applicant. The charge against the applicant has been found established by oral and documentary evidence and we do not find any good ground to justify

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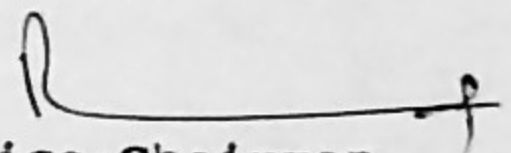
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our interference against order of punishment. The charge against the applicant for punishment of removal is fully justified in the facts and circumstances of the case. The O.A. is accordingly dismissed.

5. No order as to costs.



Member-A



Vice-Chairman

/pc/