

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 488 of 1993

Allahabad this the 01st day of August, 2000

Hon'ble Mr. S.K.I. Naqvi, Member (J)  
Hon'ble Mr. M.P. Singh, Member (A)

Shyam Bahadur Singh, Aged about 62 years, Son of Late  
Shri Saheb Deen Singh, Ex. Extra Departmental Branch  
Post Master P.O. Pachwat, District Basti.

Applicant

By Advocate Shri M.K. Upadhyay

Versus

1. Supdt. Posts, Basti.
2. Director of Postal Services, Office of  
PMG, Gorakhpur.
3. Union of India through Secretary, Ministry  
of Communications, New Delhi-1.

Respondents

By Advocate Shri S.C. Tripathi

ORDER ( Oral )

By Hon'ble Mr. S.K.I. Naqvi, Member (J)

The applicant has come up impugning  
the punishment order dated 12.10.92, copy of which  
has been annexed as annexure A-1 and the appellate  
order dated 16.12.1992, through which the appeal  
of the applicant has been dismissed.

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2. As per applicant's case, he was subjected to departmental disciplinary proceedings on the charge of mis-appropriation. As much as that on 13.10.1988, Shri Satya Narain Singh deposited a sum of Rs.13,000/- in Branch Post Office, Pachwate and handed over the amount to the applicant, who was posted there as Branch Post Master but the applicant made entry of Rs.3000/- in the ledger and converted the rest of Rs.10,000/- to his own use. After the due departmental inquiry, the punishment order was passed through which the applicant was dismissed from service. Against this punishment order, the applicant preferred appeal but could not succeed there and the same was dismissed vide order dated 16.12.1992 and now he has come up before the Tribunal seeking redressal against the punishment order as well as the appellate order mainly on the ground that due procedure has not been adopted. He was denied opportunity to defend himself <sup>by</sup> ~~while~~ not providing copies of the documents for which he made request during the inquiry and also that the evidence has not been assessed in right prospective. The punishment and appellate order have been passed on presumption and surmises.

3. The respondents have contested the case and supported the departmental proceedings and orders passed.

4. Heard, the learned counsel for the parties and perused the record.

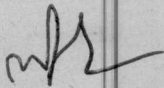
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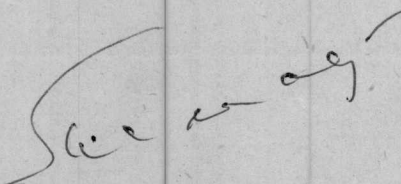


5. The punishment order and the appellate order flow out of findings in the inquiry proceedings but no relief has been sought in respect of inquiry report nor the same has been impugned in the matter. If the arguments placed from the side of the applicant are considered and the facts narrated in respect of inquiry report are taken into account, even then it will not be of much help to the applicant because here during judicial review we are not expected to go deep inside the inquiry proceedings or to give findings on evidence or evidentiary value of the evidence, which came up during the inquiry.

6. So far as the punishment order is concerned, it is not in dispute that the same has been passed by the competent authority. The perusal of the order shows that it is well detailed and the punishment authority has exercised his mind to arrive at conclusion. So far as the appellate order is concerned, copy of which has been annexed as annexure A-1, it also goes to show that the same has not been passed mechanically and <sup>all</sup> the relevant facts have been considered before deciding the appeal.

7. For the above, we do not find any ground to set aside either of the two impugned orders. The O.A. is dismissed being devoid of merit. No order as to costs.

  
Member (A)

  
Member (J)