

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 17th day of July 2001

original Application no. 1185 of 1993.

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

Suresh Chandra Mishra,  
S/o Late Shri Ram Sunder,  
Sub Postmaster,  
Karwi Post Office,  
District Banda.

... Applicant

C/A Shri KP Srivastava  
Shri NL Srivastava

Versus

1. Union of India, through the Secretary (P),  
Ministry of Communication,  
NEW DELHI.
2. Superintendent of Post Offices,  
Banda Division,  
BANDA.
3. The Regional Director,  
Postal Services,  
Office of the PMG,  
KANPUR.

... Respondents

C/Rs Km. Sadhana Srivastava

... 2/-

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O R D E R

Hon'ble Maj Gen KK Srivastava, Member-A.

By this OA under section 19 of the A.T. Act, 1985 the applicant has challenged the punishment order dated 24.12.1992 of Sub Post Office, Banda and the appellate order dated 29.6.1993 of Director Postal Services, Kanpur and has prayed for quashing the same. He has also prayed that direction be issued to refund the <sup>amount</sup> ~~about~~ recovered from his salary and he be promoted under BCR.

2. The Brief facts of the case are that the applicant was posted as Sub Post Master, Manikpur Distt. Banda during 2.6.1987 to 30.9.1988. Disciplinary proceedings under Rule 16 of CCS (CCA) Rule 1965 were initiated by SPOS Banda on 14.10.1992 for negligence and dereliction of duty in regard to ~~the~~ <sup>the</sup> Savings Bank work causing loss to the exchequer to the tune of Rs. 17504/- SPO Banda ordered for recovery of Rs. 15300/- vide punishment order dated 24.12.1992. The applicant preferred an appeal on 14.1.1993. The appellate authority rejected the appeal and upheld the punishment vide order dated 29.6.1993.
3. Heard the counsels for the contesting parties and perused the records.
4. Shri KP Srivastava, learned counsel for the applicant submitted that an amount of Rs. 17504/- was misappropriated by the Branch Post Master, Markundi

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Branch Post office under the account jurisdiction of Manikpur Sub Post Office by means of forged withdrawals and not crediting the amount tendered by the depositors in the Branch Post Office account books and pocketing the money in respect of 6 SB and 2 TD accounts. For this criminal act of the Branch Postmaster, the applicant cannot be held responsible. The charge that the applicant failed to call for and ensure submission of Pass Books of SB and TD accounts from which the fraud has been committed for interest posting by Banda Head Post Office inspite of further transactions after 31.03.1988 is frivolous. It was the duty of the Branch Post Master Markundi to send the Pass Books to Head post office through Manikpur Sub Post Office. Since Branch Post Master Markundi did not forward the Pass Books in question, he had no role to play. It was the duty of the Head Post Office to have called for the wanting Pass Books for interest posting through Sub Divisional Inspector. The learned counsel argued that as per Post Office SB Manual Vol I rules 74 & 75 and TD rules, Sub postmaster does not have to call for the Pass Books. Hence holding applicant responsible for the loss and ordering for recovery of Rs. 15310/- is unjustified, arbitrary and illegal.

5. Km. Sadhana Srivastava, learned counsel for the respondents contested the claim of the applicant and submitted that Markundi Branch Post Office is placed

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under the account jurisdiction of Manikpur Sub Post Office, the petitioner had to ensure submission of Pass Books of Markundi Branch Post Office for interest posting. If this was done the fraud could have been averted. The petitioner displayed utter negligence and dereliction of duty, facilitating Branch Post Master Markundi to misappropriate Govt. money to the tune of Rs. 17504.00 p. Hence recovery of Rs. 15300/- is fully justified and legal.

*Considered*

6. We have carefully the submissions of the counsel of contesting parties. We have also examined the rule position.

7. The main question before us is as to what is the role of Sub Post Master in Savings Bank/Time Deposit accounts standing in the Branch Post Office under its account jurisdiction. We would like to refer to the *of Post Office SB Manual Vol I* relevant rules on the subject which are reproduced below for the sake of convenience :-

"Rule 74

(1) In HOs the first time a pass book is presented after the 31st March for any purpose the amount of interest should be entered in the pass book in the same manner as in the ledger card striking the revised balance to the credit of depositor. The pass book should then be placed with the ledger card before the Postmaster who should verify the entry of interest and resultant balance in the pass book with the entry in the ledger card and put his dated initials in the ledger card and the pass book is taken of having carried out this check. The pass book should then be returned with as

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little delay as possible to the person who presented it.

(2) In time scale SOS, the first time a pass book is presented after the 31st of March, whether it is presented for any purpose, the account bears interest or not, the SPM should retain the pass book and give the depositor a receipt for it in form SB-28 except in cases where depositor expressed his inability in which case he should be requested to give it in writing stating the balance to his credit. The statement should be sent to the HO with a suitable remark in the List of Transactions against the particular entry. The SPM will be held personally responsible for the observance of this rule. The pass books taken from the depositors should be entered in a list of pass books to be prepared in triplicate. Two copies of the list along with the pass books should be sent to HO by first mail invoiced in the list of documents. Similarly the Sub Office will receive Pass Books for entry of interest <sup>may</sup> entered in the list <sup>with</sup> of duplicate from the Branch Offices in account with it. These lists along with the Pass books will be forwarded to Head Office entered in the list of documents. No objection should be raised to receiving or repaying deposits pending the entry of interest, but after the last entry of the year one line should be blank for the entry of interest before making the entry of transaction in the next line, leaving the balance column blank as for time scale Sub-offices it will be noted by the Ledger Assistant of the HO after making the entry of interest.

(3) If any transaction is noticed by the ledger Assistant to have taken place in an account at a time scale and its BO in account after 31st March and the pass book has not been received and its non submission is not suitably explained

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(vide sub rule (2) above) he should note the fact in the special Error Book maintained in the following form:-

Name of Sub Post Office	Number of Account	Date of transac- tion	Date of call	Date & No of regis- tered let- ter sent to depositor	Initials of P.M.	Date of rece- ipt of Pass Book	Initials of P.M.
1.	2	3	4	5	6	7	8

The SPM should be asked to obtain and submit the pass book within a week and a copy thereof should be sent to the Superintendent for noticing the irregularity. If the SPM has not started submitting the pass books then the irregularity may be noted as a general one. If the pass book is still not received, the HO should address the depositor by registered post in the proforma given below. Particulars will be noted in column 5 of the Error Book against the account concerned. The Superintendent of Post Offices will take serious notice of the irregularity. Care should be taken to see that the address on the registered letter is complete. The special error book will be corrected every day by the supervisory official and test checked once a week by the head of the office and also by inspecting and visiting officers during the course of their visit.

#### RULE 75

Verification of balances of accounts standing at Branch Offices, the pass books of which are not received for interest posting in the Head Post Office. (i) Receipt of the pass book at the Head Office at least once a year for posting of interest in respect of Savings accounts at Branch office is necessary. In respect of pass books

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which are not received for entry of interest by the 30th June at these offices, the following procedure will be followed in collecting them from the depositors.

(ii) The Branch Postmaster should collect the pass books of all savings accounts which were not presented for transaction by 30th June of the year and send them to the Head Office through the Account Office with a list in duplicates for entry of interest by 15th July at the latest.

(iii) To monitor whether, the Branch Offices have actually sent all the pass books to the Head Office, the Head Post Office should maintain a register of accounts standing open at each Branch Post Office and use it for checking the receipt of pass books at the Head Office. From 1st April onward each Ledger Assistant should maintain a register of accounts of the Branch Offices in his charge. One register may contain particulars of accounts of several Branch Post Offices. The register in manuscript will be maintained in the following form:-

S. No.	No of A/C	Date of Receipt of pass book	Initials of Ledger Astt/APM	Date of Receipt of pass Book	Initials of Ledger Astt/APM
1.	2	3	4	5	6

The 3rd and 4th column of the register should be repeated for a number of years according to the space available in the register. Thus one register can be used for a minimum period of 5 years. As and when any pass book is received from the Branch PO from 1st April onwards, the date of receipt will be noted in column no. 3 and initials put in column no. 4. The register should be scrutinised on 20th July. The absence of any entry in column 3 and 4 will indicate the non receipt of the pass book and the

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HPO for entry of interest. The number of all such accounts should be listed and action taken to obtain the pass books through the Sub Divisional Inspector when the pass books of these accounts are received at the HO interest will be posted in them and columns 3 and 4 of the register of accounts of Branch Office referred to above completed.

RULE 149 of TD Rules

(1) Mail Overseer during their visits to BOs should collect pass books in respect of all TD accounts <sup>standing</sup> ~~standing~~ open at the post office with reference to the specimen signature book. The balances in respect of all these accounts on the basis of pass books entries will be verified when reference to preliminary receipt book, TD journal and BO accounts with a view of verify that the amount of deposit has been duly brought to account. A list of all such accounts in the proforma given in sub para below will be prepared showing the balance at the credit to the account as shown in the pass book which will be forwarded to the HO for verification. In case any discrepancy is noticed, the HO will send <sup>an</sup> ~~an~~ immediate report to the Divisional Superintendent for taking up necessary enquires without any loss of time."

8. Perusal of these rules makes it clear that it is not the duty of Sub Post Master to Call for the pass books for transmission to Head Post Office for interest posting. In fact in addition to HO keeping a watch over interest posting it is also responsibility of the Sub Divisional Inspector and Mailoverseer who keep inspecting and visiting the Branch Offices to check the Savings Bank Functioning of the Branch Office in their jurisdiction as per provisions of Rule 74 of PO SB Manual Vol I.

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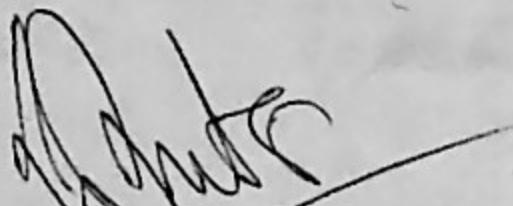
In the charge sheet it has been mentioned that the applicant failed to call for and ensure submission of 6 SB pass books for addition of interest to Banda Head Office, even when further transaction took place. This charge does not stand on strong footing specially when the transactions and the entries thereto in the Pass Book were forged ones. Sub Post Master had no means to know about it, as these were never reflected in the Branch Office account submitted to Sub Post Master. As per Rules 74 & 75 of the POSB Manual Vol I it is duty of the Branch Post Master to submit SB Poss books to Head Post Office for addition of annual interest through its account office. It is further laid down that Head Post Office has to keep a watch about interest posting in respect of all the accounts standing in the Sub Post Office and Branch Post Office under its accounts jurisdiction. Rule 75 (iii) lays down the procedure to be adopted by HPO in respect of those pass books which are not received from SO & BOS. Obviously the Head Post Office neglected its duty facilitating fraud and misappropriation by Branch Post Master, Markundi. Not only this, even the Sub Divisional Inspector and Mail Overseer, who are supposed to verify the SB and TD transactions during their inspections & visits to the Post Office in their jurisdiction, also neglected and did not preform the duty as provided by various rules on the subject.

9. In view of the above we are convinced that there has been no lapse on the part of Sub Post Master and the punishment awarded to him is unjustified and illegal. We, therefore, allow the OA and quash the order of punishment dated 24.12.1992 of the Supdt Post

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Offices Banda (annexure A-7 to the OA) and appellate order dated 29.06.1993 of Director Postal Services, Kanpur (Annexure A-1 to the OA) and direct the respondents to refund the amount of recovery made from the salary of the applicant alongwith interest @ 10% pa from the date when the last instalment was recovered. The OA is decided accordingly.

10. There will be no order as to costs.

  
Member-A  
Vice-Chairman

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