

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1451 of 1994

Allahabad this the 22nd day of February, 2002

Hon'ble Mr. C.S. Chadha, Member (A)
Hon'ble Mr.A.K. Bhatnagar, Member (J)

Daya Shanker Shukla, Son of Sri Rama Nand Shukla,
aged about 32 years, R/o Shiv Shanker Nagar Colony,
Bara Lalpur, P.O. Cryist Nagar, Varanasi.

By Advocate Shri R.K. Singh

Applicant

Versus

1. Union of India through its Secretary, Ministry of Post and Communication.
2. Director Postal Service, Allahabad.
3. Post Master General, Allahabad.
4. Superintendent, Post Offices, West Division, Varanasi.

By Advocate Shri Amit Sthalekar

Respondents

O R D E R (Oral)

By Hon'ble Mr.C.S. Chadha, Member (A)

The case of the applicant is that he was working as an E.D.S.P.M. at Bazerdiha when he was charge-sheeted for illegal payment of certain money orders and an inquiry was hold into the matter and on 19.12.1993 he was removed from service. He there-after filed an appeal and the appeal was also rejected on 25.03.1994 and hence this O.A. has been filed.

...pg.2/-

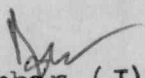
Bhatnagar

Learned counsel for the applicant has tried to point out that the applicant was not guilty as the erasures made on the money orders in question, were not proved to be made by him. The question in the case is not whether he made any erasure, but whether ^{he} has been found guilty of any misconduct. The Tribunal is not suppose to look into the details of the charges and the findings thereon, but only to see whether there have been any illegalities in the procedure adopted in the departmental inquiry and the decision taken thereafter. Counsel for the applicant also states that the punishment is not commensurate with the misdemeanour. He has cited the Judgment of Ram Bachan Yadav Vs. Commandant, P.A.C. 20th Battalion, Azamgarh and Others (1998) 1U.P.L.B.E.C. 730'. Although we agree with the findings made in the above mentioned case that the punishment should be commensurate with the misconduct, ^{but} we find ^{that} in this case ^{the} applicant has been found guilty of false payment to persons who were not entitled to receive the same money orders, without taking due care and caution. It is true that the erasures ^{on} the money orders could not be proved to be made by the applicant, but ^{from} the inquiry it is clear that the applicant had made ^{the} payments to ^{the} persons who were not entitled to receive the payment. Further there is no illegality in the procedure adopted in the inquiry or in the punishment order. Any person who makes false payments leading to a loss ^{to} the public exchequer as well as to the really deserving people, cannot be treated lightly. In our view, the punishment granted

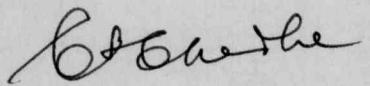
Signature

:: 3 ::

to the applicant, is just. The O.A. lacks merit
and is dismissed accordingly. No order as to
costs.


Member (J)

|M.M.|


Member (A)