

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the day 12th September, 1997.

CORAM : Hon'ble Dr. R.K. Saxena, J.M.

Hon'ble Mr. D.S. Baweja, A.M.

ORIGINAL APPLICATION NO. 1050 OF 1994.

Khet Singh Verma, S/o Late Kalu Ram Verma,

R/o Banshipura, Lalitpur.(U.P.)

..... Applicant.

(By Advocate Shri Rakesh Verma)

Versus

1. Union of India through Secretary,  
Ministry of Communication, New Delhi .
2. The Senior Superintendent of Post Offices,  
Jhansi Division, Jhansi.
3. The Director, Postal Services,  
Agra Region, Agra.
4. The Member (P),  
Officer of the Director General of Posts,  
Department of Posts, New Delhi.

..... Respondents.

(By Advocate Shri C.S. Singh)

ORDER (ORAL)

By Hon'ble Dr. R.K. Saxena, J.M.

1. The applicant Khet Singh Verma has approached the Tribunal to seek the relief that the order dated 30.6.1992 passed by the respondent no. 2 imposing the

2

penalty of withholding the punishment for period of three months without cumulative effect and the appellate order dated 30.11.1992 confirming the order of punishment be quashed.

2. The brief facts of the <sup>are</sup> case that the applicant was working as Sub Postmaster at Mahroni Post Office of District Jhansi. The <sup>Beneficial</sup> ~~beneficial~~ cadre Review scheme was introduced by Government of India wherein it was provided that the postal Employees would get promotion on completion of service of 26 years or more. In view of the said scheme the applicant was due for promotion but it was not done. He was on the other hand served a chargesheet not following the rules and prescribed procedure while permitting the withdrawal of Rs 250/- from account no. 109239 of Nand Ram and Rs 300/- from account no. 109308 of Khilan. It was deduced that the said amount was ~~fradulently~~ <sup>fradulently</sup> withdrawn. The charge was denied by the applicant in his explanation and, therefore, disciplinary authority which was not satisfied with the explanation offered by the applicant passed the impugned order whereby his increment was stopped for three months without cumulative effect. The appeal preferred by the applicant is also rejected <sup>connect</sup> / this Original Application with the aforesaid reliefs.

3. The respondents contested the case and asserted that the applicant was responsible for the fradulently withdrawal of the amount from the accounts of S/s Nand Ram and Khilan. It is contended that it was the duty of the applicant to have compared the signatures in the withdrawal form with those which were kept in the record but he failed

to do so. The result was that fraudulent withdrawal was committed.

4. The applicant filed rejoinder in which the facts which were mentioned in the Original Application were reiterated.

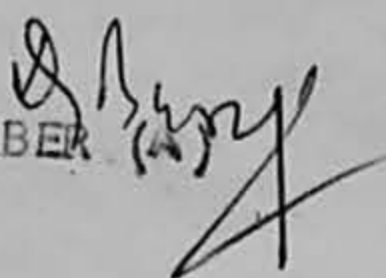
5. The matter is at the stage of admission. We have heard Shri Rakesh Verma learned counsel for the applicant and Shri C.S. Singh learned counsel for the respondents. We have also perused the record.

6. The main question in this case is whether the punishment awarded to the applicant is justified in the eye of law. No irregularity and illegality has been pointed <sup>out</sup> / by the learned counsel for the applicant. From the facts as are set out in the pleadings of the parties, it is clear that withdrawal of two amounts of Rs 250/- and Rs 300/- was allowed from the accounts of S/s Nand Ram and Khilan because of the negligence which resulted in breach of duty by the applicant. It is clear from the facts on record that the applicant did not care to compare the signatures of the persons who were withdrawing the amount with the genuine signatures which were kept in the Post Office. The result was that the fraudulent withdrawal of the amount had taken place. Thus we find no illegality in the punishment. What we find is that the respondents had taken <sup>a</sup> lenient view which rather stopping such misconducts, may lead to Encouragement.

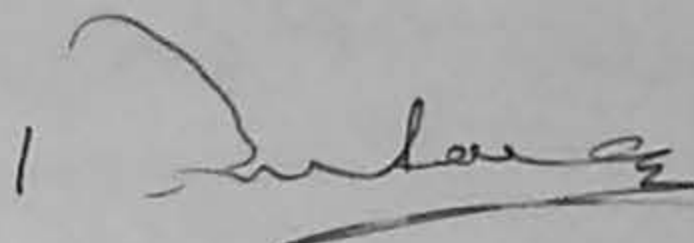
12

7. Any way, we find no illegality in the order of punishment and the appellate order by which the punishment order was upheld. The Original Application is, therefore, dismissed at the stage of admission. No order as to costs.

MEMBER



MEMBER ( J )



am/