

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 5th day of July, 2001 .

CORAM :- Hon'ble Mr. Justice R.R.K.Trivedi, V.C.  
Hon'ble Maj. Gen. K.K. Srivastava, A.M.

Original Application No. 1091 of 1994.

Kanchan Singh a/a 47 years s/o Sri Dambar Singh  
Ex-EDBPM, Dhakia, Distt. Rampur.

.....Applicant.

Counsel for the applicant :- Sri Anupam Shukla

V E R S U S

1. Union of India through it's Senior Superintendent of Post Offices, Moradabad Division, Moradabad.
2. The Director, Postal Services, Bareilly Region, Bareilly.

.....Respondents .

Counsel for the respondents :- Km. Sadhna Srivastava

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivadi, V.C.)

By this application under section 19 of the Administrative Tribunal's Act, 1985, applicant has challenged the order dt. 24.05.1993 by which the disciplinary authority punished the applicant by removing him from service on conclusion of disciplinary proceedings. Applicant filed an appeal before Director, Postal Services, Bareilly Region, Bareilly which has been dismissed by respondent No. 2 by order dated 30.03.1994. Aggrieved by the aforesaid order, applicant

has approached this Tribunal. The charge against the applicant was that he withdrew the amounts from various accounts in the post office and embezzled the same. The number of <sup>of Such</sup> accounts mentioned <sup>was</sup> ~~is~~ 32. Learned counsel for the applicant has questioned the legality of the orders on two grounds. First submission is that S.S.P.O, Moradabad was not competent to pass the order of punishment against the applicant as he was not an officer of Indian Postal Services Group 'A'. This contention has been raised in para 4 of the OA. Reply has been given in para 9 of the CA wherein it has been stated that Senior Superintendent of Post Offices was appointed by President of India by notification dt. 22.01.1993 as Indian Postal Service Group 'A' Officer. The notification dt. 22.01.1993 and 12.05.1994 have been placed before us by Km. Sadhna Srivastava, learned counsel for the respondents, which clearly demonstrate that S.S.P.O, Moradabad was a Group 'A' Officer of Indian Postal Service.

2. The second submission of learned counsel for the applicant is that in the memo of charge, list of documents was annexed at the time of enquiry. However, the papers mentioned at Sl. No. 8 of the list were not supplied to the applicant which <sup>was in</sup> clear violation of principles of natural justice and orders are liable to be quashed on this ground. We have considered this submission. In Sl. 8, the papers ~~XXXX~~ <sup>mentioned</sup> were recurring deposit for the month of May, 1991, June, 1991, July, 1991 and August, 1991. It is stated that this point was raised before the disciplinary authority in the explanation submitted on service of report of the enquiry and memo of dis-agreement but it has not been considered by the disciplinary authority.



3. We have perused the order of disciplinary authority. In para 13.1 while dealing with charge No. 3, disciplinary authority has considered in detail whether the R.D list of month May, June, July and August were prepared by applicant <sup>or</sup> ~~and~~ by Sri Daulat Singh. After perusal of documents, he verified that they were prepared by the applicant. Sri Daulat Singh, who was examined as defence specifically <sup>stated</sup> ~~denied~~ that he did not ~~signed~~ the paper and he had not prepared the list. In these circumstances, the charge has been established against the applicant on the basis of material on record. So far as his grievance that the copies of the said list were not supplied to him, <sup>at</sup> appellate stage this contention was raised by the applicant but in different <sup>form</sup>. It was alleged by the appellate authority that ~~these~~ documents were not actually filed before the Inquiry Officer. It has been examined by the appellate authority <sup>and it</sup> ~~which~~ has been found that the contention is not correct. We are of the view that the embezzlement <sup>was</sup> against about 30 accounts, even if some of the accounts are excluded with regard to ~~other~~ <sup>other</sup> list of few months, it does not in any way reduce the gravity of mis-conduct committed by the applicant and does not call for any interference. However, before appellate authority, the submission of the applicant was that the papers were not placed before Inquiry Officer. The grievance raised in this Tribunal that the papers were not supplied to the applicant also indicated <sup>that</sup> that the applicant has not suffered from any prejudice and he was fully aware about the charge and his defence has not been, in any way, ~~in~~ <sup>his</sup> effected.

4. The orders of disciplinary authority and appellate authority are very detailed and each and every material has been considered. They do not suffer from any error of law. This OA has no merit and is accordingly dismissed. No costs.