

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.1232/1995

WEDNESDAY, THIS THE 11TH DAY OF DECEMBER, 2002

HON'BLE MR. GOVINDAN S. TAMPI .. MEMBER (A)

HON'BLE MR. A.K. BHATNAGAR .. MEMBER (J)

Mehar Singh,
S/o Gyasan Singh,
R/o Phool Nagar,
P.O. Islamabad,
District : Bijnaur. Applicant

(By Advocate Shri Z.K. Hasan - Absent)

Versus

1. Union of India through
the Secretary,
Ministry of Communication,
(Department of Posts),
Dak Bhawan, Sansad Marg,
New Delhi - 110 001.
2. Member (P),
Postal Services Board
thro. P.M.G., Dehradun,
Dehradun.
3. Director,
Postal Services,
Dehradun Region, Dehradun.
4. Superintendent of Post Offices,
Bijnaur Division,
Bijnaur. Respondents

(By Advocate Ms. Sadhna Srivastava)

O R D E R

Hon'ble Mr. Govindan S. Tampi, Member (A) :

This O.A. has been filed challenging the order of dismissal passed by the respondents on 15.7.1992 and upheld on 15.4.1994.

2. The case was fixed for hearing today. None was present for the applicant even on the third call. Ms. S. Srivastava is present for the respondents. We are, in the circumstances, proceeding to dispose of the O.A. in terms of Rule 15 of C.A.T (Procedure) Rules.

3. The applicant, who was working as a Group 'D' employee at Dhampur Head Quarters Post Office since 1983 was proceeded against since 26.1.1989 in relation to the theft of a substantial amount of cash from the Post Office. At the end of the proceedings, by the order dated 28.6.1991, the penalty of reduction in pay to the stage that he was in January, 1989, when he was placed under suspension was imposed. The Appellate Authority initiated action for enhancing the penalty for which the show cause notice was issued. After receiving the reply on 31.12.1991, held that the charge against the applicant stood proved, that he was responsible for removal of the amount from the Post Office with the help and connivance of a few others and therefore, imposed on him the penalty of removal holding him to be not fit to hold a Government job. The Revision Petition filed by the applicant was disposed of by the Revisional Authority holding that the charge against the applicant stood proved and that he was not fit enough to be retained in the Department. Hence this O.A.

4. The grounds raised by the applicant are :-

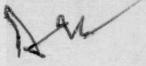
- a) the orders of the Disciplinary, Appellate and Revisional Authorities are at variance with the Inquiry Officer's report;
- b) no explanation has been given for differing from the Inquiry Officer's report;
- c) the orders passed by the various authorities are clearly mechanical without application of mind; and
- d) the basis for arriving at a decision by the various authorities was on the basis of a statement extracted from him by force. The O.A. should therefore succeed in his plea.

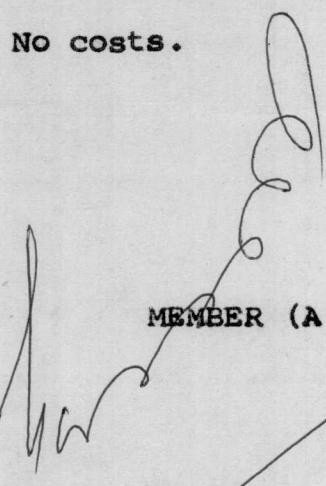
5. On behalf of the respondents, it is pointed out that the action taken by the various authorities was totally correct and in accordance with law. As the order passed by the Disciplinary Authority was faulty, the Appellate Authority decided to suo-motu review the same and after issuing a show cause notice and considering the applicant's representation enhanced the penalty. The Revisional authority has also acted correctly after considering all the points. It is a case wherein an amount of Rs.1,67,670/- was stolen from the Treasury of the Dhampur Head Office and the applicant was an employee in that organisation. In a case like this where substantial amount of Government money has been stolen, there is no reason why the applicant, who was concerned in the theft be permitted to continue. The O.A. in these circumstances deserves to be dismissed, plead the respondents through Ms. Sadhna Srivastava.

6. Having considered the various facts and circumstances brought on record, we are convinced that the applicant has no case. Proceedings have been initiated against the applicant and gone through correctly and no irregularity or infirmity has been noticed. Keeping in mind the extent of the mis-conduct and the amount of Government money which was stolen, with the connivance of the applicant, the Appellate Authority, (Respondent No.3) was correct in proposing to enhance the penalty, which he did after granting an opportunity to the applicant to explain his case. The same was duly confirmed by the Revisional authority. Nothing has been brought on record by the applicant to show

that the orders suffered from any infirmity or irregularity. In the circumstances of the case, the penalty also cannot be considered as unduly harsh to shock our judicial conscience.

7. The applicant has not made out any case for the Tribunal's interference. The O.A. is bereft of any merit and is accordingly dismissed. No costs.


MEMBER (J)


MEMBER (A)

psp.