

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 24th day of January, 2005.

Original Application No. 80 of 1999.

Hon'ble Mr. Justice P. Shanmugam, Vice-Chairman.
Hon'ble Mr. S.C. Chauhan, Member- A.

Satya Prakash Verma S/o Sri Bhagwati Verma
R/o Village and Post- Jeet, Distt. Pratapgarh.

.....Applicant

Counsel for the applicant :- Sri B.K. Srivastava

V E R S U S

1. Union of India through the Secretary, D/o Posts and Telegraph, New Delhi.
2. Post Master General, Allahabad Region, Allahabad.
3. Director, Postal Services, Lucknow.
4. Senior Superintendent of Railway Mail Services, Allahabad.

.....Respondents

Counsel for the respondents :- Sri Prashant Mathur

O R D E R

By Hon'ble Mr. Justice P. Shanmugam, VC.

The O.A is directed against the order dated 09.09.1998 whereby the applicant has been awarded punishment of compulsory retirement from service as confirmed by the Appellate Authority's order dated 04.01.1999.

2. The brief facts of the case are that the applicant was working as Closed Mail Sorting Assistant. Charges were framed against him that while working as Closed Mail Sorting Assistant, he failed to transfer safely the Speed Post ensured parcel No.51 received from Mail Agent, Delhi to the Mail Agent, Allahabad. and he left the platform and went home without handing over proper

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charge of the bags to the Mail Agent at Allahabad in his presence and he allowed 6 strangers to enter into the Mail van and to travel unauthorisedly.

3. After proper enquiry the Enquiry Officer found the charges framed against the applicant proved and the punishing authority imposed the punishment of compulsory retirement by order dated 09.09.1998. On appeal, the Post Master General, Allahabad Region, Allahabad confirmed the order of punishment, aggrieved the applicant has filed this O.A.

4. Initially it has brought to our notice that consequent on the misconduct of the applicant resulting in the leakage of the Staff Selection Commission's question papers, the scheduled examination of 1996 was cancelled and F.I.R was lodged with the concerned G.R.P, Police Station Allahabad Jn. against the applicant and others. Immediately he was placed under suspension and the case is still pending in the criminal court.

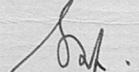
5. We have gone through the orders impugned herein. From the appellate order, it would be seen that the Appellate Authority has considered each and every grounds of the appeal raised by the applicant and then passed the final order of dismissing the appeal. The substantial ground raised by the applicant before this Tribunal is that the ensured parcel bags were ~~xxx~~ in proper condition when it was handed over and no objection was raised by either Mail men or by Sri Insaf Ahmad at the Platform and that since the authorities have not found any fraud or misappropriation, the impugned order of compulsory retirement is illegal and may be set aside.

6. We have gone through the grounds and the records. We find that the applicant had ample opportunity before the punishing authority Enquiry Officer, as well as before the Appellate Authority. We also find that the grounds which he raised before us,

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have properly been considered. Specific finding of the Disciplinary Authority is that the delinquent official left the platform without handing over the charge of bags properly to Sri Insaf Ahmad and that the applicant had admitted that he did not check the bags at Delhi station because of heavy rush and paucity of accommodation but the same was not accepted since there was ample time for work because the train was late. Ultimately, it was found that ~~the~~ the bags was given in sound condition at Delhi and it was given in torn condition at Allahabad. The bag remained in custody of the applicant from Delhi to Allahabad. It is proved that the bag was torn during the course of transit and when it was in the custody of the applicant..

- 7. Considering the facts that the serious charges levelled against the applicant have been proved, we find no infirmity in the proceedings and no grounds are made out for interference with the orders of punishment. Accordingly the O.A is dismissed with no order as to costs.


Member- A.


Vice-Chairman.

/Anand/