

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 29th day of January 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

HON. MR. RAFIQUDDIN, J.M.

O.A. No. 64 of 2002.

Raghunath Sahay s/o Bahal Dutta Sharma r/o Vill. & Post
Gadla, District Muzaffar Nagar at present 178 Dadra Colony,
Muzaffar Nagar.....

..... Applicant.

Counsel for applicant : Sri A.K. Upadhyay.

Versus

1. The Post Master General Department of Post & Telegraph,
Lucknow.
2. Senior Superintendent of Post Offices, Muzaffar, Nagar.
3. Union of India through Secretary Ministry of Communica-
tion, New Delhi.....

..... Respondents.

Counsel for respondents : Sri G.R. Gupta.

O R D E R (ORAL)

BY HON. MR. S. DAYAL, A.M.

This application has been filed for setting aside the order dated 3.1.2001 and issuance of direction to the respondents to reinstate the applicant on the post of Post Master at Gadala District Muzaffar Nagar with the payment of salaries and other benefits from the date of his removal with interest of 14%.

2. The case of the applicant is that a departmental proceeding was initiated against the applicant when he was working as Branch Post Master at Gadala on 18.8.1988. The applicant claims that the charge No.1 relates to the incident which took place in Dec.1976 for receiving a sum of Rs.100/= on 18.12.76 from one pass-book holder ⁺Reyasat Ali and this money was entered in the pass book Account No.740255 but was not accounted for in the post office. Charge No.2 relates to the withdrawal of Rs.5000/= from

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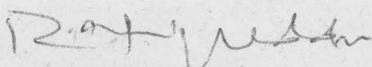
the saving account pass book of the depositor but the entry was not made in the pass book and the depositor denied the withdrawal of this money. A FIR was also lodged with the police. The applicant was chargesheeted under section 409 IPC in the court and acquitted by order dated 14.2.2000. It is claimed that the documentary evidence mentioned and relied upon by the criminal court were the same which were relied upon in the departmental proceeding. Therefore, the termination of the applicant was not in order.

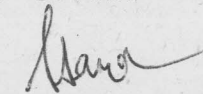
3. We have heard Sri A.K. Upadhyay for applicant and Sri Ajit Mani Tripathi, B.H. of Sri G.R. Gupta for respondents.

4. We find that the order dated 3.1.2001 is a letter written by Sr. Supdt. of Post Offices to the counsel for applicant informing him that the request of the applicant to put back him to duty on account of acquittal by the criminal court was not acceptable as criminal charges has no concern with the departmental lapses made by official.

5. We have seen the charges against the applicant and also list of witnesses. The charges are for violation of the Extra Departmental Agent Conduct & Service Rules as well as branch post office departmental rules. The names of witnesses are also different from the witnesses who appeared in the criminal trial. It appears that the order of dismissal was passed in January 1999 and it was not challenged at that time. Challenging the same at this juncture is also barred by limitation. Therefore, we find ~~th~~ no merit in the application, which is dismissed in limini.

There shall be no order as to costs.


J.M.


A.M.

Asthana/