

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.**

Original Application No.297 of 1987.

Date of decision : August 22, 1988.

Brundaban Ray,
aged about 27 years,
son of Laba Chandra Ray,
Vill. Godapur, Via-Jeypore (K),
District- Koraput. ...

Applicant.

Versus

1. Union of India, represented by
the Postmaster General,
Orissa Circle, Bhubaneswar-751001

2. Director, Postal Services,
Sambalpur Region, Sambalpur-768001.

3. Senior Superintendent of Post Offices,
Koraput Division, Jeypore (K)-764001.

... Respondents

For the applicant : M/s. P.V. Ramdas,
B.K. Panda, Advocates.

For the respondents : Mr.A.B.Mishra, Senior Standing Counsel
(Central)

C O R A M :

THE HON'BLE MR. B. R. PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR. K. P. ACHARYA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? No.
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

(8)

JUDGMENT

K.P.ACHARYA, MEMBER (J)

In this application under section 19 of the Administrative Tribunals Act, 1985, the removal of the applicant from service contained in Annexure-6 is under challenge.

2. Shortly, stated the case of the applicant is that he was functioning as Extra-Departmental Branch Postmaster of Gadapadar Post Office within the district of Koraput since 1978. On 18.11.1985 the applicant was put off from duty and a proceeding for imposition of major penalty was initiated against the applicant on 15.4.1986 on an allegation that while the Inspector of Post Offices came on inspection of the said Post Office, he found that there was a shortage of cash to the tune of Rs.654.55 paise. After this a regular enquiry was conducted. The Enquiry Officer submitted his finding to the Disciplinary authority holding that the charges had been proved against the applicant and in his turn the Disciplinary authority concurred with the finding of the Enquiring Officer and ordered removal of the applicant from service. Appeal preferred by the applicant proved futile and hence this application.

3. In their counter, the respondents maintained that no illegality having been committed during the course of enquiry and the applicant having been given fullest opportunity to adequately and effectively defend himself and principles of natural justice not having been violated in any manner whatsoever, the case is devoid of merit and is liable to be dismissed.

4. We have heard Mr. P.V. Ramdas, learned counsel
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for the applicant and learned Senior Standing Counsel (Central), Mr. A. B. Mishra at some length. We have also perused the enquiry report and the evidence of P.Ws.1, 2 and 3. P.W.3 is the Inspector of Post Offices who had checked the accounts book of the Post Office and had verified the cash and had found shortage of Rs. 654.55 paise. His evidence to the extent of his inspection of the Post Office on the relevant date at the Post Office stands unimpeachably corroborated by P.W.2 who is an orderly peon of P.W.3. The plea of the applicant was that he had shown the cash book etc. to the Inspector of Post Offices at his residence and had mentioned to the Inspector of Post Offices that the cash was in the Office Iron chest and hence could not be readily produced before the Inspector of Post Offices. This plea of the applicant seems to be too far fetched in view of the fact that the applicant had himself put in black and white that there was a shortage of cash to the extent of Rs. 654.55 paise. In order to overcome this statement made by the applicant in writing, to the Inspector of Post Offices, the other plea was taken by the applicant was that he had written the same at the dictation of the Inspector of Post Offices as the Inspector of Post Offices assured him that the paper containing this admission will be torn out after he verified the cash in the Post Office. The aforesaid plea of the applicant appears to us to be an afterthought, somehow or the other to get over the admission given by him in black and white, especially because the unimpeachable evidence appearing against the applicant is that the Inspector of Post Offices had inspected the books of account

and had verified the cash balance in the Post Office. Thus, such evidence not having been dislodged in any manner whatsoever during the cross examination we do not feel inclined to accept the plea of the applicant to be true and correct.

5. In such circumstances, we would find that the charge has been proved and the applicant was rightly punished by the disciplinary authority. Thus, there being no merit in this application, it stands dismissed leaving the parties to bear their own costs.



leg. a/c M.D. 22.8.88
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Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

9 agree.

*B.R.PATEL
22.8.88*
.....
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
August 22, 1988/S.Sarangi.