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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

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Original Application No. 62 of 1988.

Date of decision : November 11, 1988.

Rabindranath Mohapatra, son of Narendranath Mohapatra,
L.S.G.P.A. Balikuda S.O., At/P.O-Balikuda, Dist- Cuttack.

... Applicant.

Versus

1. Union of India, represented by the Post-Master General, Orissa, At/P.O- Bhubaneswar, Dist- Puri.
2. Superintendent of Post Offices, Cuttack South Division, Cuttack- 753 001, At/P.O/Dist- Cuttack.
3. Sri Trilochan Kar, Asst. Superintendent of Post Office (Cell), O/O P.M.G. Orissa, At/P.O.-Bhubaneswar, District- Puri.

... Respondents.

Mr. C.A.Rao, Advocate ... For Applicant.

Mr. A.B.Misra, Sr. Standing Counsel
(Central) &

Mr. Tahali Dalai, Addl. Standing
Counsel (Central) ... For Respondents.

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 permitted 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.

JUDGMENT

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K.P. ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the order of punishment passed by the Superintendent of Post Offices, Cuttack South Division, Cuttack vide Annexure-5 dated 29.1.1988 is under challenge.

2. Shortly stated, the case of the petitioner is that while he was working as a Counter Clerk in the Savings Bank Account at Jagatsinghpur Post Office, a sum of Rs.10,000.00 was withdrawn in two instalments, namely, Rs.5,000/- on 24.11.1984 and again Rs.5,000/- on 26.11.1984 from the savings Bank Account of one Paramananda Bhol whose Account Number was 905796. In course of time, it was found that Paramananda Bhol had not withdrawn the money but his signature was forged and one Narendranath Naik, an Assistant Teacher had withdrawn the money causing loss to Paramananda Bhol. Therefore, a proceeding for minor penalty was initiated against the petitioner and after calling for an explanation from the petitioner, the disciplinary authority ordered that the petitioner should pay Rs.5,000/- which should be deposited in the account of Paramananda Bhol and the balance Rs.5,000/- has to be paid by another employee whose case forms subject matter of Original Application No. 109 of 1988. Being aggrieved by this order the petitioner has come up with this application with a prayer to quash the order of punishment.

3. In their counter, the Opposite Parties

 maintained that the order of punishment passed by the

competent authority should not be unsettled because this case is a case of full proof evidence. It is further maintained in the counter that the petitioner Sri Rabindranath Mohapatra being in custody of the specimen signature of the depositor which should have been compared and verified by the petitioner and such act not having been performed by him this was clear negligence on the part of the petitioner for which the money has been wrongly paid to a person who had no authority to withdraw the amount from the aforesaid Savings Bank Account. In such circumstances, the application being devoid of merit is liable to be dismissed.

4. We have heard Mr C.A Rao, learned counsel for the petitioner and Mr.Tahali Dalai, learned Addl. Standing Counsel for the Central Government at some length. Mr.Rao urged before us that a copy of the preliminary inquiry report and a copy of the Pass Book in question not having been supplied to the petitioner, he has been seriously prejudiced and principles of natural justice having been violated, the order of punishment should be set aside. We have given our anxious consideration to this argument of the learned counsel and we have perused the preliminary inquiry report. Nothing could be placed before us indicating from relevant portion of the preliminary inquiry report which could have helped the petitioner to support his defence. A mere bald assertion will not help the petitioner. So far as the Savings Bank Pass Book is

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concerned, it was never disputed regarding withdrawal of the money on the dates specified above - be it by Paramananda Bhol or Narendra Nath Naik. In such circumstances, we also find that the Pass Book in question was not a relevant document - non-supply of which would have prejudiced the case of the petitioner. In the circumstances stated above, we would find that the judge made laws on this account have no application to the facts of the present case and we would further find that there is no merit in the aforesaid contention of Mr.Rao.

5. It was further contended by Mr.Rao that the Senior Superintendent of Post Offices being the ~~appointing~~ authority of the petitioner, it was the Senior Superintendent of Post Offices who should have drawn up the charges against the petitioner and should have imposed the punishment. The Superintendent of Post Offices had no jurisdiction to impose any punishment and on that account the punishment in question should be quashed. We have heard Mr.Rao, learned counsel for the petitioner and Mr T.Dalai, learned Addl. Standing Counsel(Central) at some length. In another case we had checked up this position and we definitely remember that both the Senior Superintendent of Post Offices and the Superintendent of Post Offices have concurrent jurisdiction in the matter of imposition of penalty in a

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disciplinary proceeding and therefore we find no merit in the aforesaid contention of Mr.Rao. Lastly we may say that the departmental authorities have been quite lenient and have been taking a sympathetic attitude towards the petitioner in imposing a punishment to the extent that the loss caused to the Government should be realised from the delinquent and accordingly the petitioner has been asked to deposit a sum of Rs.5,000/- so that Paramananda Bhol could be reimbursed. In such circumstances, we find no justifiable ground to interfere on the question of the quantum of penalty imposed against the petitioner.

6. Thus, we find no merit in the application which stands dismissed leaving the parties to bear their own costs.

Boas 11.11.88
Member (Judicial)

B.R PATEL, VICE-CHAIRMAN



Boas 11.11.88
Vice-Chairman

Central Administrative Tribunal
Cuttack Bench
November 11, 1988/Roy, Sr.P.A.