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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK

ORIGINAL APPLICATION NO : 380 OF 1990

Date of decision : 6.8.1993.

Baishnab Charan Patra

... Applicant

-Versus-

Union of India and others

... Respondents

For the Applicant : Mr. Antaryami Rath, Advocate

For the Respondents : Mr. Aswini Kumar Misra,
Standing Counsel (Central)

C O R A M :

THE HONOURABLE MR. K.P. ACHARYA, VICE CHAIRMAN.

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THE HONOURABLE MR. M.Y. PRIOLKAR, MEMBER (ADMN.).

1. Whether reporters of local papers may be allowed to see the fair copy of 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.

...

J U D G M E N T
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K.P. ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash the orders contained in Annexures-1, 2 and 3 holding the petitioner guilty of the charges levelled against him and imposing punishment on the petitioner.

2. Shortly stated the case of the petitioner is that while the petitioner was officiating as Sub Postmaster, Baripada Court on 13th November, 1982 an amount of Rs. 2,500/- (Rupees Two thousand Five hundred) was withdrawn from Baripada Court Savings Bank Account No. 132850 being operated by one Shri Harihar Nayak and the said withdrawal was allowed by the Counter Clerk after the petitioner had passed the same for payment. Subsequently it was found that the withdrawal was not by the genuine person and therefore, a proceeding was initiated against the petitioner and vide Annexure 1 the Superintendent of Post Offices, Mayurbhanja ordered that sum of Rs. 1620/- should be recovered from the pay of the petitioner in 36 instalments at the rate of Rs. 45 per month commencing from September, 1985.

The matter was carried in appeal and the appellate authority vide his order contained in Annexure-2, while maintaining conviction of the petitioner modified the quantum of penalty to the extent of stoppage of the next increment for one year without cumulative effect which will also not effect his future increments. The matter was carried to the Member (P), Postal Services Board, New Delhi who by his order dated 4th September, 1989, contained in Annexure-3, rejected the petition of the petitioner. Hence this application has been filed with the aforesaid prayer.

3. In their counter, the Opposite Parties maintained that the case is involved with overwhelming evidence regarding negligence of duty on the part of the Petitioner and therefore, the petitioner was rightly punished after compliance with the principle of natural justice in strictest term. Therefore, the order of punishment should not be unsettled - rather it should be sustained.

4. We have heard Mr. Antaryami Rath learned Counsel appearing for the petitioner and Mr. Aswini Kumar Misra learned Senior Standing Counsel (Central) for the Opposite Parties. We have also perused the pleadings of the parties and the relevant documents. True it is that the counter clerk has made the payment with which the petitioner has not concerned. But the petitioner has been

required to perform certain duty namely to be fully convinced that the withdrawal is not by a fictitious person rather it is being effected by the actual operator and this could be evidently clear if the specimen signature would have been compared with the signature appearing in the withdrawal slip to ensure the genuineness. This duty has been cast on the sub Post Master so that double check once by the counter clerk and again by the Sub Post Master would ensure avoidance of fraudulent transaction. All the concerned authorities beginning from the enquiry officer to the Member (P) Postal Services Board, New Delhi had categorically held that had the delinquent officer compared the signature, it would have definitely suspected the genuineness of the signature appearing in the withdrawal slip. In such a situation, this court feels reluctant to disturb the concurrent finding of the fact unless it is manifestly perverse. We find no perversity in the impugned orders. Rather we would say that the Appellate Authority had taken a lenient view, being justified, according to gravity of the charge.

5. In such circumstances, we find no merit in this application which stands dismissed. There would

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be no order as to costs.

MEMBER (ADMINISTRATIVE)

Leg. Sec. D.P.B.
6.8.93
VICE CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty/

6.8.1993