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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH

Original Application No.82 of 1991

Date of decision : October 4, 1993.

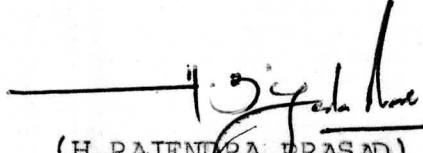
Chaturbhuj Gangoi ... Applicant.

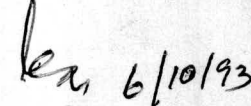
Versus

Union of India and others ... Respondents.

( FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not ? <sup>NO</sup>
2. Whether it be circulated to all the Benches of the <sup>AD</sup>  
Central Administrative Tribunal or not ?

  
 (H. RAJENDRA PRASAD)  
 MEMBER (ADMINISTRATIVE)  
 06 OCT 93

  
 (K. P. ACHARYA)  
 VICE-CHAIRMAN.

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(19)

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For the applicant ... M/s. Deepak Misra,  
R.N. Naik, A. Deo,  
B.S. Tripathy, P. Panda,  
Advocates.

For the respondents ... Mr. Aswini Kumar Misra,  
Sr. Standing Counsel (CAT)

CO RAM:

THE HON'BLE MR. K. P. ACHARYA, VICE-CHAIRMAN  
A N D

THE HON'BLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

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J U D G M E N T

K. P. ACHARYA, V. C., The applicant while working as a Postal Assistant was proceeded against under Rule 14 of the C. C. S. (C. C. A.) Rules, 1965 on an allegation that the applicant had allowed withdrawal of money from the deposits made by three different depositors in the S. B. A/c in the Post Office at Dehurda Sub Office. An enquiry was conducted and ultimately the Enquiry Officer found that the charges had been established and submitted his findings to the disciplinary authority who in his turn concurred with the findings of the enquiry Officer and ordered reduction of pay of the applicant by 5 stages for two years without cumulative effect. The appeal preferred by the applicant did not

yield any fruitful result. Hence, this application has been filed to quash the order of punishment stated above.

2. In their counter, the respondents maintained that the case involves full-proof evidence and the principles of natural justice having been strictly followed, the order of punishment should not be unsettled - rather it should be sustained.

3. We have heard learned counsel for the applicant and Mr. Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents. It was vehemently urged by learned counsel for the applicant that the order of conviction should be quashed because the applicant had seriously disputed that the signature of the depositors appearing in the withdrawal form tallies with the specimen signature and therefore, the departmental authorities should have referred the matter to the Government Examiner of Questioned documents for its expert opinion. The respondents not having done so, the benefit must go to the applicant. We are not at all in agreement with this contention of learned counsel for the applicant because from the articles of charge we find that one Purna Chandra Naik LM SRO, Jaleswarpur, and one Rajanikanta Sen, LMSRO Dehurda and one P.C. Nayak LMSRO Dehurda had given certificates that the depositors in all these three applications had signed in their presence and had taken the money in their presence. This was irregular in view of the Rules in force and therefore accordingly charge was framed against the

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applicant indicating the fact that money withdrawn was not entered in the Pass Book. We fail to understand as to how the charge of misappropriation was not framed against the applicant and reasons are unknown. But here is a case, there has been violation of prescribed rules by the applicant and in such circumstances, there was no necessity for the Postal Department to send the admitted signature and the specimen signature to the Government Examiner of Questioned Documents. Therefore, we find no merit in the aforesaid contention of learned counsel for the applicant.

4. We find no irregularity/illegality in the departmental proceeding and we find no error in such proceeding. In case, there is any error then the disciplinary authority has grossly erred on the question of leniency of the quantum of penalty. As such, we find no merit in this application which stands dismissed leaving the parties to bear their own costs.

*[Signature]*  
 MEMBER (ADMN.) 06 Oct 93



*[Signature]*  
 4/10/93  
 VICE-CHAIRMAN.

Central Administrative Tribunal  
 Cuttack Bench, Cuttack.  
 October 4, 1993/Saranggi.