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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 136 OF 1992  
Cuttack this the 5<sup>th</sup> day of April, 1999

Srinath Mishra

Applicant(s)

-Versus-

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *Yes*.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *No*.

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN  
*S. H. 99*

5.4.99  
(G. NARASIMHAM)  
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.136 OF 1992  
**Cuttack this the 5<sup>th</sup> day of April, 1999**

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN  
AND  
THE HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

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**Srinath Mishra**, aged about 47 years,  
Son of Sitanath Mishra,  
At/Po: Dahabasala,  
Via: Rajnilagiri, Dist: Balasore

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Applicant

By the Advocates : Mr.B.S.Tripathy

-Versus-

1. Union of India represented by  
its Secretary, Department of Posts,  
Dak Bhawan,  
New Delhi
2. Chief Post Master General,  
Orissa Circle,  
At/Po: Bhubaneswar, Dist: Puri
3. Postmaster General,  
Sambalpur Region,  
At/Po/Dist:Sambalpur
4. Superintendent of Post Offices,  
Balasore Division,  
At/Po/Dist: Balasore

...

Respondents

By the Advocates : Mr.S.B.Jena  
Addl.Standing Counsel  
(Central)

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ORDER

**MR.G.NARASIMHAM, MEMBER(J):** Applicant, Srinath Mishra was Extra Departmental Branch Post Master, Dhobisila Branch Office in account with Raj Nilgiri S.O. Disciplinary proceeding under Rule-8 of E.D.Agencees(Conduct & Service) Rules, 1964 was initiated against him under six heads of charges, mostly receiving deposits under various S.B.Accounts and not accounted for the same and in someother cases, accounted amounts far less than the amount deposited. On denial of these charges, inquiry was conducted and ultimately the disciplinary authority (Res.4) through order dated 31.5.1991 imposed penalty of removal of the applicant from service. Appeal preferred by the applicant has been dismissed by the appellate authority, viz., Director of Postal Services by order dated 30.12.1991. Hence this application under Section 19 of the Administrative Tribunals, Act, 1985.

Para No.5 of the application consisting of grounds reveals that order of removal is challenged on the ground that the findings of the disciplinary authority and the appellate authority are illegal as they are against weight of the materials on record and appreciation of evidence contrary to law, and that the penalty of removal is disproportionate to the charge.

2. The department in their counter justified the order of removal stating that the same is according to law.

3. We have heard Shri B.S.Tripathy, learned counsel for the applicant and Shri S.B.Jena, learned Addl.Standing Counsel appearing for the respondents and

also perused the record. Annexure-1, order of the disciplinary authority and Annexure-3, order of the appellate authority are very exhaustive. Evidence adduced during inquiry has been discussed and dealt in ~~the~~ <sup>those</sup> orders. It cannot be said that the orders are based on no evidence. Even assuming the disciplinary authority and appellate authority arrived at findings through <sup>contrary to law</sup> apprciation of evidence/ and in normal course would not have arrived at, still, we cannot disturb those findings in view of settled position of law enunciated by the Apex Court. We have also not come across any procedural lapse, nor any <sup>lapse</sup> urged before us violating the principles of natural justice.

We are also not inclined to interfere with the quantum of penalty because, the charges are serious as to misappropriation, temporary misappropriation and deliberate wrong accounting and so on.

In the result, we do not see any merit in this application which is accordingly dismissed, but without any order as to costs.

Somnath Som  
(SOMNATH SOM)  
VICE-CHAIRMAN

5.4.99

B.K.SAHOO

5.4.99  
(G.NARASIMHAM)  
MEMBER (JUDICIAL)