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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 495 OF 1993
Cuttack, this the 3rd day of April, 1997

Radhakrishna Rout

...

Applicant

Vrs.

Union of India and others

....

Respondents

(FOR INSTRUCTIONS)

- 1) Whether it be referred to the Reporters or not? Yes.
- 2) Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? Yes.

JK
(K.M. AGARWAL)
CHAIRMAN

S. Som
(S. SOM)
VICE-CHAIRMAN 4/97

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH;CUTTACK.

ORIGINAL APPLICATION NO. 495 OF 1993
Cuttack, this the 3rd day of April, 1997

CORAM:

HONOURABLE SRI JUSTICE K.M.AGARWAL,CHAIRMAN
AND
HONOURABLE SRI S.SOM,VICE-CHAIRMAN

....

Radhakrishna Rout,
aged about 53 years,
son of late P.Rout,
At/P.O-Sikudi,
Via-Rajkanika,District-Puri

....

Applicant

-versus-

1. Union of India,
represented by its Secretary
in the Department of Posts,
Ministry of Communication,
Dak Bhawan, New Delhi
2. Member(P),
Government of India,
Ministry of Communication,
Department of Posts, Dak Bhawan,
Sansad Marg,
New Delhi-110 001.
3. Chief Post Master General,Orissa Circle,
Bhubaneswar, District-Khurda.
4. Post Master General,
Sambalpur Region, At/P.O/Dist.Sambalpur.
5. Superintendent of Post Offices,
Bhadrak Division, At/P.O-Bhadrak,
District-Bhadrak

.... Respondents

Advocates for applicant -

M/s R.N.Naik,
A.Deo,B.S.Tripathy,
P.Panda,D.K.Sahu.

Advocate for respondents -

Mr.U.B.Mohapatra.

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O R D E R (ORAL)

HONOURABLE SRI JUSTICE K.M. AGARWAL, CHAIRMAN

While in the employment of the respondents, the applicant was subjected to departmental enquiry for sixteen cases of defalcations between 1984 and 1987. Charges were found proved and accordingly, an order of removal from service was passed by the disciplinary authority, which was upheld by the appellate authority as also by the revisional authority. Being aggrieved, the applicant has filed this application under Section 19 of the Administrative Tribunals Act, 1985.

2. The learned counsel for the applicant submitted that immediately after the charges were found proved, the entire amounts alleged to have been defalcated by the applicant were paid by him to the respondents. Soon thereafter he also retired from service. Under these circumstances, it was submitted that a sympathetic view may be taken so as to enable the applicant to claim or receive post-retirement benefits from the respondents.

3. The learned counsel for the respondents submitted that it is not known to him if the amounts have been paid by the applicant. But at the same time he submitted that looking to the seriousness of the charges framed against the applicant, it would not be a fit case to quash the order of removal. He also pointed out that in the absence of any material to show that the punishment was not in commensurate with the

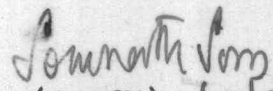
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alleged misconduct, the punishment cannot be reduced or altered. Accordingly, he submitted that the petition deserves to be dismissed.

4. After giving anxious consideration to the rival contentions of the learned counsel for the parties, we are sorry to say that we are not in a position to concede to the arguments made by the learned counsel for the applicant. Only because the amounts defalcated were paid by the applicant would not absolve him of the charges against him. They were also serious in nature and there is no material to warrant any lenient view or alteration of the major penalty into a minor one so as to enable the applicant to get his usual post-retiral benefits.

5. For the foregoing reasons, this petition fails and it is hereby dismissed, but without any order as to costs.


(K.M. AGARWAL)
CHAIRMAN


(S.SOM) 3/4/97
VICE-CHAIRMAN