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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 201 OF 1999  
Cuttack this the 26th day of Feb./ 2003

Jagannath Barik

...

Applicant(s)

-VERSUS-

Union of India & Others

...

Respondent(s)

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ?

  
( B.N. SOM )  
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH : CUTTACK

ORIGINAL APPLICATION NO.201 OF 1999  
Cuttack this the 26th day of Feb./2003

CORAM:

THE HON'BLE SHRI B.N. SOM, VICE-CHAIRMAN

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Jagannath Barik,  
Group- D,  
B.B.S.Nagar S.O.  
Sambalpur-768 001

...

Applicant

By the Advocates

Mr.D.P.Dhalasamant

-VERSUS-

1. Union of India represented through  
Chief Post Master General, Orissa  
Circle, Bhubaneswar, PIN-751 001
2. Director of Postal Services,  
Sambalpur Region, Sambalpur-768001
3. Superintendent of Post Offices,  
Sambalpur Division, Sambalpur

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Respondents

By the Advocates

Mr.U.B.Mohapatra  
Addl.Standing Counsel  
(Central)

ORDER

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MR.B.N. SOM, VICE-CHAIRMAN : Applicant (Sri Jagannath Barik) a Group-D employee working in B.B.S.Nagar S.O., Sambalpur has sought for quashing Annexures-1 dated 09.02.1998 ordering recovery of Rs.10,640/- from his salary and Annexure-2 dated 10.7.1998 rejecting his appeal against such recovery, stating that he was not responsible for the loss of mail bag containing cash for B.S.S.Nagar S.O.

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2. Shorn of details, the facts of the case are that the applicant was entrusted with the job of carrying mail bag from Sambalpur H.O. to B.S.S.Nagar S.O. on 8.2.1997. On the way he met a colleague of his (Kunu Prusty), who offered him a coconut and some prasad. When he was busy with his colleague, some miscreants threw odd substance on his body which compelled him to go to the nearby water tap to wash his body, leaving the mail bag in his bicycle under care of his colleague. On his return, he found the mail bag missing. He searched for the mail bag but in vain and filed an F.I.R. at the local Police Station. The Mail Bag contained cash of Rs.10,000/- and stamp remittance of Rs.640/-. For the loss of the Mail Bag from his custody, the applicant was charge-sheeted under Rule-16 of C.C.A. (CCS) Rules, 1965 on 12.12.1997, and ultimately, by way of punishment, the entire amount of loss of Rs.10,640/- was recovered from his pay. He preferred an appeal against this order which was rejected by the appellate authority vide his order dated 10.7.1998 (Annexure-2).

3. I have gone through the records placed before me and also heard the learned counsel for the applicant and the learned counsel for the Respondents. There is no denial of the fact that the Mail Bag was entrusted to the applicant for its safe transmission and delivery from Sambalpur H.O. to B.S.S.Nagar S.O. The applicant himself has admitted that on the way he stopped at some place and left the Mail Bag in the custody of someother person and in that way lost it. By his conduct, it is, therefore, clear that he had failed to discharge the responsibility

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entrusted to him and cannot escape the blame. I have also perused the orders of the disciplinary authority as well as the appellate authority and found both the orders are speaking orders leaving no room for any intervention.

In the circumstances, I dismiss this Original Application being devoid of merit, leaving the parties to bear their own costs.

  
( B.N. SOM )  
VICE-CHAIRMAN

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