

NOTES OF THE REGISTRY

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Order dated 25th 05.2004

Applicant, Sarat Kumar Patra (the E.D.B.P.M. of Godapur B.P.O.) having faced an enquiry under Rule-8 of the EDAs(Conduct and Service) Rules, 1964 (for misappropriation of Govt. money) was, ultimately, removed from service under Annexure-1 dated 31.8.1999. He had, thereafter, carried the matter in appeal under Annexure-2 dated 19.11.1999; which was rejected under Annexure-3 dated 31.1.2000. Hence this Original Application under Section 19 of the A.T.Act, 1985; with prayers to quash the orders under Annexures-1 and 3 and to direct the Respondents to reinstate the Applicant.

2. Respondents have filed their counter stating therein that since there were no lacuna (either in the matter of conducting the enquiry or awarding the punishment) and since at each stage, principles of natural justice were followed; there is hardly any scope for this Tribunal to interfere in the matter and, therefore, they have prayed for dismissal of this case.

3. We have heard the learned counsel for the parties and perused the materials placed on record.

4. During hearing, the learned counsel for the applicant failed to state as to which of the rules was violated or as to whether the Applicant was ever denied natural justice to defend his case. He had also utterly failed to make out any case either warranting this

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Tribunal to interfere in the order of punishment awarded by the disciplinary authority or by the Appellate Authority. He has also not placed any materials (viz., enquiry report, note-sheet of day to day proceedings) in order to show that as to whether the allegations are based on evidence or not. He has only tried to canvass that the punishment imposed on the Applicant to be highly disproportionate/shocking to judicial conscience; which we do not agree in any way. It is not a quantum of money misappropriated by a Govt.servant. All that are for consideration as to how far a Govt.servant keeps his faith and trust untouched. If a man loses his trust and faith, he is definitely not worthy to continue in Govt.service. Question of quantum of the amount is not the factor for consideration. It may be one rupee or more. When a Govt.servant has failed to discharge his duty to the utmost satisfaction of the people at large, with utmost devotion and absolute integrity, he is not fit to continue in the post and that was what exactly happened in this case; which has also been taken note of by the Appellate Authority.

In the above view of the matter, we find no merit in this OA; which is accordingly, dismissed. No costs.

A. Sam
VICE-CHAIRMAN

J. Sam
MEMBER (JUDICIAL)

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