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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.624 OF 2000

Cuttack, this the 17th day of January, 2003

Shri Baga Khalli

Applicant

Union of India & Others

Vrs.

Respondents.

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not ? NB
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? NO

[Signature]
17/01/2003
(M. R. MOHANTY)
MEMBER (JUDICIAL)

[Signature]
(B.N.SOM)
VICE-CHAIRMAN


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CORAM:

HON'BLE SHRI B.N. SOM, VICE-CHAIRMAN
&
HON'BLE SHRI M.R MOHANTY, MEMBER (JUDICIAL)

Shri Baga Khalli, aged about 52 years, son of late Baga Kantaru, At/P.O. Nuapada, Dist. Ganjam, Pin-761 011, at present working as Overseer Mail, Paralakhemundi East Sub-Division, Dist. Gajapati.Applicant

Advocates for applicant – M/s S. Kr. Mohanty,
S.P. Mohanty,
P.K. Lenka

Vrs.

1. Union of India, represented through its Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. Senior Superintendent of Post Offices, Berhampur (Ganjam) Division.
3. Director of Postal Services, Office of P.M.G. Berhampur Region, Berhampur.

.....Respondents

Advocates for Respondents - Mr. A.K. Bose, Sr.CGSC.

O R D E R

SHRI B.N. SOM, VICE-CHAIRMAN:

This Application has been filed by Sri Baga Khalli, challenging the order of Respondent No.2 dated 31.10.2000 (Annexure-6) imposing punishment of recovery of Rs.27,100/- from his pay and against the appellate order, dated 31.7.2001 (Annexure 8) passed by Respondent No.3 confirming the said penalty imposed on the applicant.

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2. The applicant was charge-sheeted by Respondent No.2 under Rule 16 of Central Civil Services (Classification, Control & Appeal) Rules, 1965 on the imputations of misconduct that the applicant, while functioning as Overseer of Mails in Parlakhemundi East Sub-Division, during 1997, failed to carry out the task of conducting complete verification of S.B./R.D. Accounts of Khajuripada B.O., resulting in non-detection of fraud perpetrated by the Branch Postmaster of Khajuripada B.O. It was, therefore, alleged that had the applicant done his work diligently, he could have detected the fraud that the Branch Postmaster committed in 22 accounts standing in that office.


3. The applicant is aggrieved by the fact that Respondent No.2 imposed the punishment of recovery of Rs.27,100/- from his pay to make good the loss of Rs.44,737/-, which was misappropriated by the Branch Post Master of Khajuripada B.O.. It has been alleged by the applicant that Respondent No.2 did not give him an opportunity to peruse the relevant records to defend his case properly.

4. The Respondents have denied all the allegations and have stated that the applicant was punished for his failure to discharge supervisory duty assigned to him and that he was given full opportunity to defend himself.

5. We have anxiously gone into the matter to see whether the applicant was given opportunity to defend his case and whether punishment order was passed against him ex parte. The Respondents have denied that the applicant was not afforded reasonable opportunity to defend his case. We find from the records that the applicant vide his letter dt.28.8.2000 had asked for 10 days more time for submission of his representation. Although he did not receive any formal communication in this regard from Respondent No.2, it is a fact, and the same was confirmed during oral

arguments, that he had never sent any reminder to the said Respondent, nor did he express his desire clearly as to which document he wanted to examine to defend his case. It is also a fact that the disciplinary authority passed the punishment order only on 31.10.2000, i.e., after two months of the applicant's approaching the authority seeking time to submit his representation. In these circumstances, the plea of the applicant is that he was denied access to the relevant documents to defend his case is not sustainable. Further, this being a disciplinary proceeding under Rule 16 of CCS (CCA) Rules, 1965, normally there is no scope for holding any inquiry nor the applicant had asked for any personal hearing. Hence the allegation that the matter was decided ex parte does not stand to scrutiny. Lastly it is also found that the same pleas raised in this OA, were also taken by the applicant in his appeal before the appellate authority that the appellate authority in his order, dated 31.7.2001 (Annexure-8) had considered each of those pleas and rejected the same, after giving reasons therefor. We find no infirmity in the orders passed either by the disciplinary authority or by the appellate authority, as alleged by the applicant.

6. In view of the above discussion, we see no reason for this Tribunal to interfere with the orders of the disciplinary authorities and accordingly reject the Application, being devoid of any merit. No costs.


(M.R. MOHANTY)
MEMBER (JUDICIAL)


(B. N. SOM)
VICE-CHAIRMAN