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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.866 OF 2006  
Cuttack, this the 22<sup>nd</sup> Day of May, 2008

Harihar Panda ..... Applicant  
Vs.  
Union of India & Others ..... Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not?
2. Whether it be circulated to Principal Bench Central Administrative Tribunal or not?

(C. R. MOHAPATRA)  
MEMBER (A)

( JUSTICE K. THANKAPPAN)  
MEMBER(J)

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 866 OF 2006  
Cuttack, this the ~~22nd~~ Day of May, 2008

CORAM:

Hon'ble Shri Justice K. Thankappan, Member (J)

Hon'ble Shri C.R. Mohapatra, Member (A)

.....

IN THE CASE OF:

Harihar Panda, aged about 57 years, son of late Kartika Panda At/Po.  
Kaitha, Via-Chhatia, District-Jajpur.

By the Advocate(s) ..... Applicant  
M/s M.K. Pati,  
Malayaranjan Das

Vs.

1. Union of India represented thorough Secretary, Ministry of Communication, Department of Posts, Dak Bhawan, New Delhi.
2. Chief Post Master General, Orissa Circle, Bhubaneswar, P.M.G. Square, Bhubaneswar, Dist-Khurda.
3. Director of Postal Services (HQ), Bhubaneswar, P.M.G. Square, Bhubaneswar, Dist-Khurda.
4. Superintendent of Post Offices, Cuttack South Division, Cuttack.
5. Sub-Divisional Inspector (Postal), Cuttack Central Sub-division, Cuttack.

..... Respondent(s)

By the Advocate(s)..... Mr. S. Barik

O R D E R

HON'BLE MR. JUSTICE K. THANKAPPAN, MEMBER(J)

Challenging Annexure-A/1 order, by which the applicant was found guilty of the misconduct with which he was charged while he was serving as Extra Departmental Branch Post Master Kaitha Branch and imposed a penalty of removal from service. The applicant also challenges the appellate and revisional orders respectively i.e. Annexure-A/2 and A/3 by which the original order of punishment has <sup>been</sup> confirmed by the authorities.

2. While the applicant was working as EDBPM at Kaitha, on 23.10.2000 the Sub-Divisional Inspector (Postal), Cuttack Central Sub-Division, Cuttack placed the applicant under suspension (Off Duty) and issued a charge memo, subsequently narrating the misconduct and imputation of allegations against the applicant. On the basis of the charge memo dated 11.10.01 an inquiry has been conducted as per rules and as per the inquiry report of the Inquiry Officer dated 20.07.02 (Annexure-R/1) the Inquiry Officer found that all the charges leveled against the applicant are proved beyond reasonable doubt. On the basis of the above report the applicant was found guilty of the charges of misconduct under Rule 10 of the GDS (Conduct and Employment Rules -2001) and he was removed from service as per Annexure A/1 order. The charges against the applicant was on 03 heads viz. while the applicant was serving as GDSBPM Kaitha Branch Office he had misappropriated the amounts deposited

under 03 different pass books viz. pass book account No.2031184 standing in the name of Smt. Jemamani Prusty and Pass book account No.2030804 standing in the name of one minor named Pravat Prusty and pass book account No.648349 standing in the name of Smt. Jenamani Prusty and thereby violated the provisions of Rules 131,143,144 and 174 of Rules for Branch Office Sixth Edition regarding deposits.

3. The Inquiry Officer after affording time to the applicant to give his defence statement and of taking evidence from the deposits and perusing of the records filed (Annexure-R/1) inquiry report. Based on the inquiry report the disciplinary authority has passed Annexure-A/1 punishment order. The applicant also filed appeal against Annexure-A/1 order and on considering the grounds urged on the appeal the appellate authority vide Annexure-A/2 order rejected the appeal and there upon the applicant filed a revision before the Chief Post Master General, Orissa Circle Bhubaneswar. Considering the entire grounds urged in the revision petition the revisional authority confirmed both the orders passed by the disciplinary authority and the appellate authority. Under the above circumstances this Original Application is filed.

4. This Tribunal heard Mr.M.K. Pati, Ld. Counsel for the applicant and Mr. S. Barik, Ld. Counsel for the Respondents and had perused the records produced before this Tribunal. It is the case of the Ld. Counsel appearing for the applicant that both the appellate authority and the disciplinary authority has not considered the

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grounds urged by the applicant legally and hence this Tribunal may consider the grounds urged in this Original Application and quash the above orders. The Counsel further submits that the applicant had not <sup>been</sup> given sufficient opportunity to establish his case before the Inquiry Officer and the disciplinary authority has not given ~~no~~ time to give his reply or explanation on the findings entered by the Inquiry Officer. Hence the order issued by the disciplinary authority is unjustified.

5. At the same time, the Counsel appearing for the Respondents, relying on the counter filed on behalf of the Respondents submits that all the grounds urged by the applicant in the O.A are not tenable as there is no violation of principles of natural justice or any violation of any rules regarding the inquiry. Counsel further submits that the applicant has <sup>been</sup> given sufficient opportunity to place his case before the inquiry officer and also before the other authorities.

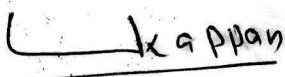
6. On considering the contentions raised by the Counsel appearing on either side this Tribunal is of the view that there is no reasonable ground to interfere with the order challenged. The records of the Original Application would show that the applicant had committed misconduct which <sup>is</sup> narrated in the charged memo dated 10.11.01. The applicant has <sup>been</sup> given sufficient opportunity to explain his case also and there is no violation of any principles of natural justice and no rules or procedure has been violated by the Inquiry Officer. The only case discernible from the defence statement is that the applicant had entered some entries in the pass books and also in the office records and the belated entries of the deposit accounts

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were not intentional. Further the applicant had taken a case before the inquiry officer that he had borrowed certain amount from the depositors and he could not ~~return~~ the amount to the depositors or to enter the amount in the pass books and office records viz. the accounts. But it <sup>was</sup> come out in evidence through inquiry that the amounts which <sup>were</sup> deposited monthly by the depositors were not entered in the pass books or in the accounts. Hence it is clear that the applicant had misappropriated that amount and the subsequent entries of the amount would not exonerate the applicant from the charges leveled against him. This Tribunal also find that there is no violation of any of the principles of natural justice or any rule of procedure in conducting the inquiry by the officer while assessing the charges leveled against the applicant. Both the appellate authority and the revisional authority have considered the entire case of the applicant and found that the misconducts alleged against the applicant are proved beyond reasonable doubt as per the enquiry report. Hence this Tribunal is of the view that the orders under challenge do not require any interference by this Tribunal. Accordingly this O.A stands dismissed as merit less. There is no order as to cost.

  
(C. R. MOHAPATRA)  
MEMBER (A)

  
(JUSTICE K. THANKAPPAN)  
MEMBER(J)