

Order Dated 29.01.2008

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

Mr.P.K. Mohapatra, Ld. Counsel for the applicant appears and submits that the applicant was charge-sheeted for having forged signature of a payee in respect of money order for an amount of Rs.1500/. In the inquiry proceedings, the Inquiry Officer has stated that this charge of forging signature is not proved. He further submits that on the basis of the report of the Inquiry Officer the Disciplinary Authority imposed a penalty of removal from service vide Annexure-A/4. Against this, he filed an appeal and the Appellate Authority vide Annexure-A/6 has given his decision in Para-5 & 6. In Para-5 the Appellate Authority says that the applicant is free from the charge on forged signature but in Para-6 the Appellate Authority writes that " I find from the relevant records that the money order has been paid to the payee on a later date i.e. after 10 days from 30.09.2003". Hence the punishment awarded to the applicant by the Disciplinary Authority was not interfered with by the Appellate Authority. Ld. Counsel for the applicant submits that the applicant stands removed from service w.e.f. 20.08.07

2. Mr. U.B. Mohapatra, Sr. Standing Counsel appears for the Respondents and submits that he has received the copy of this O.A. in the Court today and hence he is unable to give his detailed comments and he submits that if there is any irregularity in the conduct of proceedings then there is a cause for interference by the Tribunal.

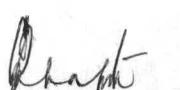


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3. I have gone through the charge-sheet (Annexure-A/1) page 11 and also Annexure-A/2 page 16 to 19 and also the order of the Appellate Authority at Annexure-A/6. While the allegations of forging the signature has not been established but the allegation that the amount of money order i.e. Rs.1500/- was not paid on 30.09.03 has been established by the Appellate Authority. Hence, he has decided not to interfere with the quantum of punishment awarded by the Disciplinary authority. The prayer of the applicant is that the quantum of punishment is excessive compared to the charge. Hence the applicant in this O.A. requests for quashing of order of punishment. Under the GDS (Conduct and Employment) Rules, 2001 there are provisions for revision as well as review at the appropriate level. The applicant is advised to approach the concerned Revisional Authorities and make his submission before them for appropriate decision.

4. Accordingly, this Original Application is disposed of at the admission stage. No order as to cost.

5. Send copies of this order to Ld. Counsels appearing for both sides.



MEMBER (A)