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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 19 OF 2011
Cuttack, this the 27th day of June, 2014

CORAM
HON'BLE MR. R.C. MISRA, MEMBER (ADMN.)
HON'BLE MR. S.K. PATTNAIK, MEMBER (JUDL.)

Dayanidhi Patel,
aged about 56 years,
Son of Late Jairam Patel,
Resident of Vill/Post:Bhoipalli,
Via:Kuchinda, Dist:Sambalpur.

.....Applicant
Advocate(s)..... Mr. P.K. Padhi

VERSUS

Union of India represented through

1. The Director General of Posts,
Dak Bhawan, New Delhi-110001.

2. Post Master General,
Sambalpur Region,
At/Po/Dist:Sambalpur,768001.

3. Director of Postal Services
Sambalpur Region,
At/Po/Dist:Sambalpur,768001.

4. Superintendent of Post Offices,
Sambalpur Region,
At/Po/Dist:Sambalpur,768001.

..... Respondents

Advocate(s)..... U.B. Mohapatra

SG/Attchink

ORDER (ORAL)

S.K.PATTNAIK, MEMBER (JUDL.):

The applicant, who is working as GDS BPM has challenged the dismissal order passed by the Disciplinary Authority (Annexure-A/5, Appellate Authority (Annexure-A/7) and Revisional Authority (Annexure-A/8) and has prayed for his reinstatement in service with all consequential benefits.

2. The applicant's case in short runs as follows:

The applicant while working as GDS BPM Bhoipalli B.O. was served with a charge memo dated 23.01.2007 (Annexure-A/2) for having shortage of cash amounting to Rs. 5993/- found on 29.07.2005 during periodical inspection and was further found to have received Rs. 4000/- on 20.06.2005 from one Laba Chhoti the depositor of SB account and not crediting the same in Branch Office Account and likewise receiving Rs. 300/- on 31.05.2005 from one depositor Kusha Chhoti and crediting only Rs. 100/- in Government Account and not reflecting the other cash of Rs. 200/- received. Other charge relates to not accounting Rs. 200/- of other depositor Sri Nrupalal Chhoti even though receiving the same on 31.05.2005. The inquiry was conducted and the disciplinary authority found the applicant guilty of misconduct and failing to maintain absolute integrity and devotion to duty and passed the order on 21.05.2007 for dismissal from service with immediate effect. The applicant preferred appeal and, subsequently, revision but without any modification of the dismissal order as, according to them, the order was commensurate to the gravity of offence committed by the delinquent employee.

W.G. Gathain

3. The main ground of attack of the applicant is that the inquiry officer secured the admission from the applicant assuring him that he would be let off and taking the face value of the admission did not conduct the inquiry holding guilty on his own admission and since the admission was not voluntary and was extracted by an higher officer capable ^{of} ~~of~~ exalted position to dominate the will of the delinquent employee, the admission cannot be treated as voluntary and has to be ignored and since no evidence was recorded by the inquiry officer, order passed by the Disciplinary Authority has become vulnerable. Further ground of the attack of applicant is that the Appellate Authority so also the Revisional authority passed orders without application of mind and were swayed away by the initial order passed by the Disciplinary Authority without realizing the ground reality and it was not a case of misappropriation as the delinquent employee had kept the cash in his house for security reasons and had immediately deposited the same on being asked by the inspecting authority.

4. The Respondents contended that since it was a gross misconduct and mis-appropriation of public money at the cost of distrust and disreputation of the Postal Department, the punishment was justified under the circumstances not calling for interference by this Tribunal.

5. The record reveals that in fact in view of the admission/statement of the applicant regarding shortage and not accounting the deposited amount in Postal Khata/Register, there was hardly any scope/occasion for the Departmental Authority to embark on a regular inquiry. In ordinary course, we would have interfered with such admission if

extracted under the false promise had there been no apparent misconduct committed by the applicant while functioning as a Branch Post Master. The applicant could not explain why he had not accounted the *cash* *Rs* deposited by the depositors even though had certified such deposit in their respective Savings Bank Account. No explanation for keeping cash at home is believable when the applicant had not sought permission from his higher authority on keeping cash at home and not keeping cash in the Post Office. Such a practice is not known to the Postal Administration and the explanation is not acceptable. It is not the case of the applicant that he had not received Rs. 4000/- from Lava Chhoti which is reflected in Article-2 of the charge head. Since the applicant after accepting the cash had entered the transaction in the relevant SB pass book and had authenticated the transaction by his own initial and impression of the Branch Office with date stamp dated 20.06.2005 and had returned the pass book to the depositor without entering the aforesaid transaction in the Saving Bank Journal, Branch Office Journal and Branch Office Account Book, it amounts to misappropriation and no laxity can be shown on such misappropriation.

6. In case of other depositors in respect of Article 3 and 4 of the charges, it is not the question of mis-appropriation of Rs. 200/- but a question of creating a cloud of distrust among the depositors. There is considerable force in the submission of the Ld. Counsel for the Respondents that by such conduct the reputation of the Postal Department is at stake and people do not voluntarily opt for opening a SB or a Recurring deposit in Post Office even though the interest rate is higher than the Bank. To sum up, we must say that on a close look at the impugned order passed by the

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Disciplinary Authority, Appellate Authority and Revisional Authority we did not notice any infirmity or latches calling for interference by this Tribunal since the punishment was proportionate to the misconduct and as it has far reaching consequences on other dishonest employees of the Postal Department, we refrain from altering or reducing the punishment. Hence ordered.

7. The O.A. being devoid of merit is dismissed. In the peculiar circumstances, no cost is awarded.

S.K.Pattnaik
(S.K.PATTNAIK)
MEMBER(Judl.)

R.C.Misra
(R.C.MISRA)
MEMBER (Admn)

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