

In the Central Administrative Tribunal
Calcutta Bench

OA No.844/96

Present : Hon'ble Mr.S. Biswas, Member(A)
Hon'ble Mr.N. Prusty, Member(J)

Md Abdul Ghid, S/o Late Ma, Abul Sam Branch Postmaster, Talsa B.O
(since dismissed), North 24 Parganas, resident of Village & P.O
Talsa

...Applicant

-Vs-

- 1) union or India, service through Secretary, Ministry of Communications, Department of Posts, Dak Bhawan, New Delhi
- 2) Chief Postmaster General, W.B. Circle, Yogayog Bhawan, Calcutta-12
- 3) SPOs., Barasat Un., Barasat-1
- 4) Prasanta Ghosh, S/o L.M. Ghosh, Vill & P.O Talsa, 24 Parganas(N)

...Respondents

For the applicant : Mr.B. Chatterjee, Counsel

For the respondents : Mr.S.P. Kar, Counsel

Date or Order : 2.4.2004

ORDER

Mr.S. Biswas, Member(A)

Heara the rival counsel and went through the submission and rejoinder and case records carefully.

2. While working as an EDBPM of Talsa B.O. in account with Bira Bajlapur S.O. North 24 Parganas from 1-12-83 to 31-3-94 the applicant was statedly violated the provisions of Rule 131(3) of Rules for Branch Offices, 6th Edn. (2nd Reprint) and Rule 4(i) & 4(i) (a) of P&T FHB Vol.1 General and also noted in contravention of Rule 17 of EDA (Conduct and Services) Rules, 1964 in as much as he accepted various deposits made on 28-2-92, 19-6-92, 16-3-95, 7-5-93 and 3-12-93 from one Ma. Aoyla, A/Cs no.203/183. Though the applicant made entry of the deposits Rs22000/-, Rs7000/-, Rs2000/-, Rs7300/- and Rs3100/- respectively, in the pass book of the depositor, under initial and date stamp, but did not credit the amounts in the Government A/C and retained the said deposits with himself unauthorisedly. As enumerated in the articles of charges appended to the memo dated 20-3-95, the applicant allowed various withdrawals to the depositor (No.2037183) under his initial and date stamp.

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5. A formal enquiry to the alleged charges was conducted by the instituted Inquiry Officer, submitting the inquiry report, concluded that the charges were proved. Accordingly the disciplinary authority dismissed the applicant vide impugned order dated 3-11-95 (Annexure 2 to the OA) as sought for quashment.

4. The applicant filed an appeal against the formal punishment order dated 3-11-95. The appellate authority vide the impugned order dated 7-3-96 upheld the order of punishment dated 3-11-95 and sought its quashment. The said appeal was disposed of after considering some vital points raised in the appeal, and the appellate authority finally held that the appellant was not able to prove that the transactions in the a/c were not related to his account and the transactions accepted to have been made by the depositors as well the appellant were actually accounted for in the Govt. A/C.

5. While considering the facts and procedure adopted in the case, Mr. B. Chatterjee, the learned counsel for the applicant by and large accepted the allegations as broadly correct in fact and procedure though the appellate order is cryptic but the conclusions are irrefutable.

6. The learned counsel for the respondents observed that the applicant did not submit any statement of defence to the charges within the specified time - that is to say the articles of charges were neither accepted nor denied by the applicant and the charges were found proved by the Inquiry Officer in his report which was considered in awarding the impugned penalty of dismissal at the conclusion of a formal disciplinary procedure. Finally, after considering the applicant's representation, the appellate authority has confirmed the order of punishment.

7. We therefore do not find any legal or factual lacunae in the procedure and conclusions which culminated in the order of punishment and the appellate order - impugned by the applicant.

S.B.