

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

1. Original Application No. 290/00431/15 & MA No. 290/00141/16
2. Original Application No. 290/00432/15
3. Original Application No. 290/00433/15
4. Original Application No. 290/00434/15

Reserved on : 10.11.2016

Jodhpur, this the 9th December, 2016

CORAM

Hon'ble Ms Praveen Mahajan, Admn. Member

Raghuvir Singh Dhaka, S/o late Shri Shivpal Singh, Aged about 48 years, B/c Jat, R/o Ward No. 41, Sujangarh, District-Churu. (Office Address:- Working as Sub Postmaster at Sandwa Post Office under Churu Division).

.....Applicant

By Advocate: Mr S.P. Singh.

Versus

1. Union of India through the Secretary, Govt. of India, Ministry of Communication, Department of Posts, Dak Tar Bhawan, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur – 302 007.
3. The Director, O/o Post Master General, Western Region, Jodhpur.
4. Superintendent of Post Offices, Churu Division, Churu.
5. Senior Superintendent of Post Offices, Ajmer Division, Ajmer

.....Respondents

By Advocate : Mr K.S. Yadav in OA at S.No. 1 above.

Mr B.L. Tiwari in OAs at S.No. 2 to 4.

ORDER

In all these Original Applications, different charge sheets were issued to the applicant for principally same negligence i.e. depositing the cheque of Rs 1,00,000/- in the PPF (HUF) accounts, of different account holders in violation of GSR 965 (E) dated 07.12.2010 and SB Order No. 23/2010, on 22.12.2011 and 26.12.2011, while

working at Madanganj Head Post Office as Postal Assistant R.D. Branch. The applicant has sought for quashing of the orders of Disciplinary Authority and Appellate Authority in all these OAs whereby, penalty of recovery of pecuniary loss on account of contributory negligence were imposed upon the applicant.

2. In OA No. 290/00431/15, the applicant has sought for quashing of the orders dated 30.03.2015 (Annex. A/1) passed by the disciplinary authority imposing minor penalty of recovery of Rs 28,000/- upon the applicant for his alleged misconduct of gross negligence in his work alongwith others which caused loss to the tune of Rs 2,23,750/- to the Department and also order dated 10.08.2015 (Annex. A/2) passed by the appellate authority rejecting his appeal.
3. In OA No. 290/00432/15, the applicant has sought for quashing of the orders dated 30.03.2015 (Annex. A/1) passed by the disciplinary authority imposing minor penalty of recovery of Rs 25,500/- upon the applicant for his alleged misconduct of gross negligence in his work alongwith others which caused loss to the tune of Rs 2,03,567/- to the Department and also order dated 05.08.2015 (Annex. A/2) passed by the appellate authority rejecting his appeal.
4. In OA No. 290/00433/15, the applicant has sought for quashing of the orders dated 30.03.2015 (Annex. A/1) passed by the disciplinary authority imposing minor penalty of recovery of Rs 27,600/- upon the applicant for his alleged misconduct of gross negligence in his work alongwith others which caused loss to the tune of Rs 2,20,445/- to the Department and also order dated 05.08.2015 (Annex. A/2) passed by the appellate authority rejecting his appeal.

5. In OA No. 290/00434/15, the applicant has sought for quashing of the orders dated 30.03.2015 (Annex. A/1) passed by the disciplinary authority imposing minor penalty of recovery of Rs 26,000/- upon the applicant for his alleged misconduct of gross negligence in his work alongwith others which caused loss to the tune of Rs 2,09,336/- to the Department and also order dated 10.08.2015 (Annex. A/2) passed by the appellate authority rejecting his appeal.

6. The facts leading to the controversy in all these OAs are similar to the facts in OA No. 290/00429/15, filed by the same applicant Shri Raghuvir Singh Dhaka, which have already been appreciated. The OA has consequently been dismissed after detailed discussions. In OA No. 290/00429/15, the charge sheet was issued for depositing a cheque of Rs 1,00,000/- in account No. 21344 in violation of GSR 956 (E) dated 07.12.2010 and SB Order No. 23/2010. All these OAs have been heard together, as the orders passed by the respondents and defence taken by the applicant are similar. Therefore, these OAs, i.e. OA Nos. 290/00431/15. 290/00432/15, 290/00433/15 & 290/00434/15 are all dismissed in view of the following discussions made in para 10 of the order passed in OA No. 290/00429/15

“10. I have considered the contentions made by both the counsels and perused the record. The order of Disciplinary Authority (Annex. A/1) and appellate order (Annex. A/2) are fairly speaking ones. The Disciplinary Authority and Appellate Authority have discussed all the issues raised by the applicant in his defence and passed the orders after an elaborate discussion. I find merit in the argument advanced by Ld. counsel for the respondents that even if there is no documentary proof to the effect that changes on account of Notification No. GSR 956 (E) dated 07.12.2010 of Public Provident Fund, 1968 circulated vide letter dated 22.12.2010 do not bear the signature of the applicant but a Government employee (in this case,

the applicant) is supposed to have updated knowledge of rules/regulations notified by the Department and he cannot be absolved from this responsibility on a plea of ignorance of extant instructions. The respondents have categorically stated that the computer system of Madanganj HPO was in working order and was updated with latest software version by the System Administrator. I have gone through the Notification GSR 956 (E) and Rule-155 of POSB Part-I and Rule -9 (3-A) of the Public Provident Fund Scheme, 1968. During the course of arguments, Ld. counsel for applicant, Mr S.P. Singh stressed the point that PPF account can be extended for 5 years after expiry 15 years by giving an application. Rebutting the argument, Ld. counsel for the respondents, Mr B.L. Tiwari rebutted the argument stating that PPF account of an individual can be extended that too after an application preferred by the account holder. But, PPF account in question is PPF (HUF) account and not of an individual subscriber, which cannot be extended in any case. On perusal of these notification/orders, I find that PPF account of individual subscriber, if he does not intend to close the account on expiry of 15 years, can be allowed to continued for a further block period of 5 years according to the limit provided under the Scheme. However, as per part of S.B. Order No. 23/2010 reproduced below, the PPF (HUF) account cannot be extended after expiry of 15 years:

“PPF accounts opened in the name of HUF prior to 13.05.2005 cannot be further extended after maturity and no further deposit can be accepted in such accounts after maturity.”

Had the applicant not deposited the cheque in PPF (HUF) account in question, the Department would not have been required to pay interest on the whole amount after maturity of the account. Hence, contributory responsibility of the applicant is very much there. The contention of the applicant that it was the decision of the respondents to defend the case at District Consumer Forum, Ajmer and State Consumer Forum which led to the delay and that only they are responsible for the delay and, consequential increased interest, lacks merit and conviction. Litigation by the respondents was not done with ill intention or ill will towards the applicant, it was merely on point of principle and to press home their point. I find no infirmity in the orders of Disciplinary Authority and Appellate Authority. The charge against the applicant stands fairly proved and even the quantum of punishment imposed upon the applicant is not excessive and seems rationally deduced. I am, therefore, not inclined to interfere with impugned orders Annex. A/1 & A/2. The judgments

cited by the Ld. counsel for the applicant, were passed in different facts and circumstances, and do not apply to the present case in hand..”

7. Accordingly, I find no reason to interfere with the order of disciplinary authority and appellate authority in all these OAs. MA No. 290/00141/16 filed in OA No. 290/00431/15 for vacation of interim order dated 27.10.2015 staying the order of recovery, is allowed. The Registry is directed to place a copy of the order in each case file.



[Praveen Mahajan]
Administrative Member

Ss/-

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