

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 504 of 2011

Wednesday, this the 25th day of January, 2012

CORAM:

**HON'BLE Mr. JUSTICE P.R. RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

G. Chacko,
GDSBPM (removed from service)
Idakkadom, Kollam,
Residing at Kaleelazhikathu,
Thripillazhikom P.O,
Kuzhimathicaud, Kundara : 691 509 ... Applicant.

(By Advocate Mr. V. Sajith Kumar)

v e r s u s

1. Union of India represented by
The Secretary to the Government,
Ministry of Communications,
Department of Post,
Government of India,
New Delhi : 110 001
2. The Chief Postmaster General,
Kerala Circle, Trivandrum : 695 101
3. The Director of Postal Service,
Southern Region, Kerala Circle,
Trivandrum : 695 101
4. The Sr. Superintendent of Post Office,
Kollam Postal Division, Kollam : 691 101 ... Respondents.

(By Advocate Mr. Millu Dandapani, ACGSC)

This application having been heard on 12.01.2012, the Tribunal
on 25.01.12, delivered the following:

ORDER
HON'BLE MR. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

The applicant in this O.A. while working as GDSBPM, Idakkadom PO,
was placed under put off duty on 19.12.2008 and was charge sheeted on two



counts of misconduct relating to money transaction. In the enquiry that followed, the 2nd charge of entering a deposit of Rs. 10500/- dated 12.11.2008 of an old lady in the pass book but not crediting the amount into the Post Office Account was held as proved. He was imposed with punishment of removal from service on 29.03.2010, which was confirmed in appeal on 09.05.2011. Aggrieved, the applicant has filed this O.A for the following reliefs:

- (i) To quash Annexure A-1, Annexure A-2, Annexure A-4, Annexure A-5 and Annexure A-10;
- (ii) To direct the respondents to reinstate the applicant into service regularising his absences from service from 19.12.2008 (date of put off) to the date of reinstatement with all consequential benefits including arrears of pay;
- (iii) Grant such other reliefs as may be prayed for and as the Court may deem fit to grant, and
- (iv) Grant the cost of this Original Application.

2. The applicant contended that there was no evidence on record to prove the 2nd charge against the applicant. A statement obtained under threat of criminal case and coercion cannot be relied upon. The signature of the applicant was not sent for expert opinion. The principles of natural justice were not followed. The punishment is highly disproportionate to the gravity of the allegations against the applicant.

3. In the reply statement, the respondents submitted that there was no violation of principles of natural justice in dealing with the applicant. He was given every opportunity to defend himself. He was given due consideration at the level of Enquiry Officer, Disciplinary Authority and the Appellate Authority. The applicant had admitted his guilt and replenished the amount involved in the case without any protest. The contention of the applicant that a statement



of admission of guilt was obtained from him under threat and coercion is a baseless allegation. In a rural area, like Idakkadom, where postal transactions are done by the people trusting the staff, the irregularity committed by the applicant will affect the business in the office and more so, the credibility and trust that the Post Office is enjoying. Considering the gravity of the irregularity, the applicant was punished.

4. In the rejoinder filed by the applicant, he submitted again that a statement of accused obtained under coercion and threat of criminal prosecution cannot be relied as a valid piece of evidence.

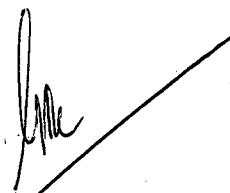
5. We have heard Mr. Sajith Kumar, learned counsel for the applicant and Mr. Millu Dandapani, learned ACGSC appearing for the respondents and perused the records.

6. The main contention of the applicant is that there is no evidence on record to prove the 2nd charge against the applicant. The applicant has admitted in his statement at Ex.P5 in the enquiry that he had not brought the deposit amount of Rs. 10500/- dated 12.11.2008 into the Post Office Account and that he credited it at Mulavna Post Office under UCR on 16.01.2009. As per the say of the applicant, this statement was obtained under duress. But the applicant never questioned the veracity of Ex.P5 during the enquiry nor did he prove that it was obtained from him under coercion or threat. The Enquiry Officer had found that the written entries made by the applicant in the pass book match with the entry dated 12.11.2008. Since there was no reason for doubt as to the similarity of the handwriting, it was not found necessary to get the opinion of the handwriting expert. There is no case that the applicant had

demanded the opinion of an expert in handwriting and the same has been rejected by the Enquiry Officer. The respondents were fair-minded in that, they had no hesitation in accepting the finding of the Enquiry Officer that the 1st charge was not proved. The applicant has not proved the abuse of power by the respondents. At every stage fair treatment was given to the applicant in accordance with the principles of natural justice. The criminal breach of trust on the part of the applicant in dealing with the innocent rural folk who invest in Post Office saving schemes calls for severe punishment. In the circumstances, we do not find any reason to interfere with the impugned orders.

7. The O.A. is accordingly dismissed with no order as to costs.

(Dated, this the 25th January, 2012)


K.GEORGE JOSEPH
ADMINISTRATIVE MEMBER


JUSTICE PR RAMAN
JUDICIAL MEMBER

cvr.