

:1:

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.17/2005

Monday this the 13th day of November, 2006

CORAM

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

K.N.Gopalakrishna Pillai,
S/o late Narayana Pillai, aged 52 years,
GDSSPM (under dismissal)
Kannady, Pin.688507,
residing at Kavil, Kannady, Pulinkunnu PO
Alappuzha 688504.

.....Applicant

(By Advocate Mr. M.R.Hariraj)

V.

- 1 Union of India, represented by
Secretary to Government of India,
Ministry of Communications,
Department of Posts, New Delhi.
- 2 The Postmaster General,
Central Region, Kochi-18.
- 3 The Director, Postal Services,
Central Region, Kochi.18.
- 4 The Superintendent of Post Offices,
Alappuzha Division, Alappuzha.12.

.....Respondents

(By Advocate Mr.T.P.M. Ibrahim Khan, SCGSC)

The application having been finally heard on 13.11.2006, the Tribunal on the same day delivered the following:

ORDER

Hon'ble Mr.George Paracken, Judicial Member

By virtue of this OA the applicant has challenged the Annexure.A1 order of the disciplinary authority dated 25.2.2004 by which he was



dismissed from service; the Annexure.A6 order dated 12.4.2004 by which the appellate authority has rejected his appeal and upheld the penalty order and the Annexure.A8 order dated 18.8.04 by which the Post Master General rejected the petition of the applicant dated 4.5.2004 against the aforesaid appellate order dated 12.4.2004.

2 The brief facts of the case are that the applicant while working as Gramin Dak Sevak Sub Post Master (GDSSPM), Kannady was 'put off duty" vide the order of the disciplinary authority dated 14.6.2002 for certain alleged misconduct on his part and later proposed to take action under Rule 10 of the GDS (Conduct and Employment) Rules, 2001. Following were the articles of charge:

"Article:1: That the said Shri K.N.Gopalakrishna Pillai, while working as GDSSPM, Kannady w.e.f. 1.9.1992, failed to account for deposit of Rs. 5500/- made on 11.8.2001, withdrawn of Rs. 5000/- made on 2.11.2001, and a deposit of Rs. 250/- made on 22.12.2001 in Savings Bank Account No.710427 standing open at Kannady EDSO in the name of Smt.Rema Saji, Valiaettichira, Kannady, and thereby failed to maintain absolute integrity and devotion to duty as envisaged in Rule 21 of GDS (Conduct and Employment) Rules, 2001.

Article:2: That the said Shri K.N.Gopalakrishna Pillai, while working as GDSSPM, Kannady EDSO w.e.f 1.9.1992 failed to credit Rs. 500/- each made on 1.1.11.2001 and 13.11.2001 in Savings Bank account No.710306 standing open at Kannady EDSO in the name of Smt.Kamalakshy Narayanan, Puthenparambil House, Kannady, and thereby failed to maintain absolute integrity and devotion to duty as envisaged in Rule 21 of Gramin Dak Sevaks (Conduct and Employment) Rules, 2001.

Article:3: That the said Sri K.N.Gopalakrishna Pillai, while working as GDSSPM, Kannady EDSO, from 1.9.1992 produced the cash and stamp balance of Kannady EDSO short by Rs. 973/40 at the time of verification of cash and stamp balances of Kannady EDSO by the then Superintendent of Post offices, Alappuzha Division on 4.1.2002. The said Sri K.N.Gopalakrishna Pillai, produced one SB-7 withdrawn application form before the Supdt. Of Post Offices on 4.1.2002 in support of his claim of allowing a withdrawal of Rs. 1500/- from Kannady SB Account Number 710328 on 4.1.2002 without actually paying any amount to the depositor. He also failed to

credit the amounts of Rs. 500/-, Rs. 1500/- and Rs. 400/- accepted for deposit in the SB account No.710328 on 27.8.2001, 10.10.2001 and 3.11.2001 respectively into the account. By not crediting the amounts deposited in the SB account No.710328 into the account and by not producing the entire cash and stamp balances before the Supdt. Of Post Offices, Alappuzha Division at the time of verification of balances on 4.1.2002, the said Sri K.N.Gopalakrishna Pillai failed to maintain absolute integrity and devotion to duty as envisaged in Gramin Dak Sevaks (Conduct and Employment) Rules, 2001."

The applicant submitted his written defence against the proposed inquiry against him on 18.6.2002 in which he denied the charges. Thereupon, the disciplinary authority ordered an inquiry. The Inquiry Officer, after conducting the inquiry in accordance with the rules, submitted his report on 8.1.2004 holding that all the aforementioned charges have been proved against the applicant as he had committed a series of fraudulent transactions. The disciplinary authority vide Annexure.A1 proceedings dated 25.2.2004 agreeing with the findings held that the incidence of the detection of shortage of cash at the time of visit of SPOs, Alapuzha on 4.1.2002 was only a hint to a series of cases of non-credit of deposits accepted by the applicant from the public. He has further stated in his order that the various Post Office Savings Schemes of the Department are very popular among the public and they entrust money to the Postmasters with the hope that their money will be safe with them. Any dishonest act from the part of the official of the Department would adversely affect the interest of the public and the image of the department itself. The disciplinary authority has, therefore, held that the applicant has failed to maintain absolute integrity and devotion to duty as envisaged in Rule 21 of the GDS (Conduct and Employment) Rules, 2001 and awarded the punishment of dismissal from service. The applicant preferred an appeal

9

on 27.2.2004 admitting his mistakes but pleading for reinstatement in service on the plea that he requires a job to look after his family. However considering the serious nature of the misconduct committed by the applicant which has been proved in the inquiry, the punishment of dismissal was awarded to him by the disciplinary authority. The appellate authority found no reason to intervene with the decision of the disciplinary authority and thereby dismissed his appeal. Thereafter the applicant had filed a petition before the Post Master General on 4.5.2005. The Post Master General found that the attitude of the applicant was entirely paradoxical as on the one hand he admitted to have committed the irregularities but on the other hand he wanted the authorities to appreciate the "circumstances under which the irregularities were committed". Finding that the applicant's logic for misappropriating the public money as a perverted one and observing his action as a gross betrayal of the public trust, the Post Master General rejected his petition.

3 The applicant has filed the present OA taking the very same grounds which he had taken before the aforesaid three authorities and with the prayer for reinstatement in service.

4 We have heard Mr.P.A. Kumaran for the applicant and Mr.Rajeev appearing for SCGSC for the respondents. We find that the inquiry against the applicant was held in accordance with the rules and the departmental authorities concerned have dealt with his representation/appeal/petition and found that the applicant has committed fraud on the public and his retention in service will adversely affect the public confidence with respondent department. The applicant has not put forward any new grounds in the present O.A warranting this Tribunal to interfere with the



:5:

impugned orders and to grant the relief sought by the applicant for his reinstatement. From the records it is seen that it is proved beyond doubt that the applicant has betrayed the trust of the public by defrauding the money entrusted to him by them. The conduct of the applicant is quite reprehensible and in order to restore confidence of the public in the Department of Posts which deals with public money, such corrupt officials have to be weeded out, without any consideration of mercy. The respondents did the same in this case. One can only wonder at the audacity of the applicant to file the present application in spite of his proved misconduct.

5 The Original Application is, therefore, dismissed. Though this is a fit case for burdening the applicant with exemplary cost for filing this frivolous and mischievous application having no merit at all, we refrain from doing so considering the fact that he has already been dismissed from service.

Dated this the 13th day of November, 2006


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

s