

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 191 of 1995

Monday, this the 8th day of April, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR P V VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

P T Ouseph, Sub-Postmaster,
Koottickal P.O.,
Residing at Payyampallil House,
Koottickal P.O.

.. Applicant

By Advocate Mr P C Sebastian.

Vs.

1 The Superintendent of Post Offices,
Changanacherry Division,
Changanacherry.

2 The Director of Postal Services,
Central Region, Kochi - 16.

3 The Member (Operations),
Postal Services Board,
Department of Posts,
Dak Bhavan, New Delhi.

4 Union of India, represented by
the Secretary,
Ministry of Communications,
New Delhi.

... Respondents

By Advocate Mr T R Ramachandran Nair, Addl.CGSC.

The application having been heard on 8th April 1996,
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

While functioning as Sub Post Master, Ponkunnam, proceedings were initiated against applicant for recovery of loss sustained by the department on account of alleged negligence of applicant. It is said that applicant was remiss in his duties, with the result that one Venugopal, a Postal Assistant, committed misappropriation to the tune of Rs.13,395/-. An

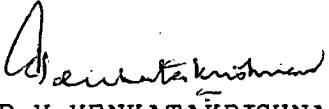
enquiry was held and the said Venugopal was dismissed from service. Thereafter, a charge sheet was issued against applicant, and the disciplinary authority ordered recovery of a sum of Rs.6800/- from his salary in 36 monthly instalments. Appellate and Revisional authorities affirmed the finding and upon that applicant has approached this Tribunal.

2. According to Shri Sebastian, learned counsel for applicant presumptions and conjectures have taken the place of proof in this case. He submitted that there is no evidence or finding regarding receipt of Rs.13,395/- and regarding failure to account the same. Counsel would submit that the authorities below readily assumed the existence of the aforesaid two elements, and assumed further that applicant was negligent. On going through the files, we find that the disciplinary authority did not address himself to these two aspects.

3. Standing counsel for respondents was unable to show how these findings can be sustained. While the Tribunal will not reappreciate evidence or go to the sufficiency of evidence, the Tribunal is required to examine whether there is evidence at all, to sustain the charge. In the case on hand there is no evidence to sustain the allegations.

4. In the result we quash the impugned orders and allow the Original Application. We make it clear that we have not pronounced on the merits. Parties will suffer their costs.

Dated, the 8th April, 1996.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN