

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A No.234/1994

Monday this the 7th day of February, 1994.

CORAM:

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

P.F.Achamma,
W/o George Thomas,
Vettuvayalil House,
Adivaram, Krara,
Nedumbhagam village,
Meenachil Taluk,
Kottayam District.

.. Applicant

By Advocate Mr.P.R.P.Nair

vs.

1. Post Master General,
Central Region,
Kochi-682 016.
2. Director of Postal Services,
Office of the Post Master General,
Central Region, Kochi-16.
3. Senior Superintendent of Post Offices,
Kottayam Division,
Kottayam-1.

.. Respondents

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicant an Extra Departmental Post Mistress was found guilty of misconduct - in that she retained with her certain amounts before she accounted for the same. The authorities below found misconduct. Applicant complains of violation of principles of natural justice.

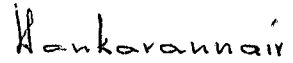
2. During the course of arguments, learned counsel for applicant submitted that applicant may be allowed to withdraw the application with freedom to move the competent authority under Rule 16 of the Extra Departmental Agents (Conduct and Service) Rules. Counsel pointed out that even if the charge is proved, all that is proved is that money was retained longer than it should have been. He submitted that Mens Rea or criminal intent

is not proved. Justice tempered with mercy should take note of the ground realities in this case of a poor woman with five children to look-after, submits counsel. We think these aspects are for the competent authority to consider while dealing with the question of punishment. We have no doubt that due consideration will be made. We permit applicant to move the competent authority under Rule 16 and grant leave to withdraw the application. We dismiss the application in limine, as withdrawn. No costs.

Dated the 7th February, 1994.



P.V.VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN