

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 296/98

Thursday, the 31st day of August, 2000

CORAM

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

G.R.Venkitaraman
S/o G.V.Ramakrishnan
Ex-EDBPM, 9/246
Chandrasekharapuram
Edathara P.O., Palakkad.

...Applicant

By advocate Mr. V.Chitambaresh

Versus

1. Union of India, represented by
The Postmaster General
Northern Region, Kerala Circle
Calicut - 673 011.
2. The Director of Postal Services
Northern Region, Office of the
Postmaster General, Northern Region
Calicut - 673 011.
3. The Senior Superintendent of Post Offices
Palakkad Division, Palakkad. ...Respondents

By advocate Mr. George Joseph, ACGSC

The application having been heard on 31st August, 2000,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN

An order dated 30.6.95 (Annexure A-1) imposing a penalty
of removal from service issued by the Senior Superintendent
of Post Offices, Palakkad Division, Palakkad who is the
Disciplinary Authority Respondent No.3 herein, as affirmed
by the Director of Postal Services, Northern Region, Calicut
dated 10.1.96 (Annexure A-3), the Appellate Authority
Respondent No.2 herein and further affirmed by the Postmaster
General, Northern Region, Kerala Circle, Calicut, the Reviewing
Authority, Respondent No.1 (Annexure A-5) dated 15-7-96
are impugned in the present Original Application.



2. In the disciplinary proceedings initiated against the applicant, the applicant was charged with the following misconduct:

- (1) While working as BPM Chandrasekharapuram he has fraudulently withdrawn a sum of Rs.500/- from SB account No.116589 on 18.6.93 without the knowledge of the depositor violating Rule 33(1) of SB Manual Volume-I and Rule 133 and 134 of Rules for Branch Offices (Sixth edition) (Second print).
- (2) While working as BPM Chandrasekharapuram he has accepted a sum of Rs.500/- as deposit in SB account No.116599 on 9.7.93 and failed to bring it to the PO accounts on that day violating Rule 31(2) IV of SB Manual Vol.I and Rule 131 (3) of Rules for Branch Offices (Sixth edition) (Second print).

In the aforesaid proceedings, evidence both oral as also documentary was adduced against the applicant.

Based on the aforesaid evidence, the aforesaid three ~~concurrently~~ authorities have ~~accordingly~~ found the applicant guilty of the charges levelled against him. A penalty of removal from service has accordingly been imposed on the applicant.

3. We have perused the entire materials placed on record and we ~~find~~ that the order of penalty is based on material evidence which is to be found on record. It is to be remembered that we are not sitting in appeal. Accordingly it is impermissible for us to re-appreciate the evidence as sought to be contended on behalf of the applicant and ~~arrive at a finding other than the one which has found~~ ^{authorities} ~~in favour~~ with the aforesaid ~~evidence~~. As long as there is material evidence on record to substantiate the finding of guilt, the same cannot be interfered with in the limited jurisdiction which is conferred upon us in the present

W.H.

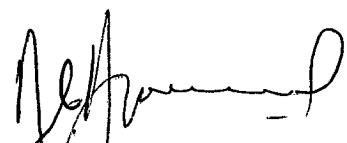
proceedings. The aforesaid orders have been passed after complying with the principles of natural justice. Adequate opportunity has been given to the applicant at every stage of the enquiry. In the circumstances, we find that no case is made out for interference either with the finding of guilt or with the penalty which has been imposed on the applicant. As far as the penalty is concerned, it cannot by any stretch of imagination be held as disproportionate to the charges found against the applicant. The applicant has been posted as Extra Departmental Branch Postmaster and has been posted with the functions and responsibilities of post offices involving financial implications. He is a custodian of public funds. Hence the aforesaid ~~misconduct~~ cannot be termed as trivial so as to invite a lenient view.

4. Present Original Application in the circumstances is devoid of merits and the same is accordingly dismissed, however with no order as to costs.

Dated 31st August, 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



JUSTICE ASHOK AGARWAL
CHAIRMAN

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Annexures referred to in this order:

A-1: True copy of the proceedings as per Memo No.F-1/2/93-94 dated 30.6.95 issued by the office of the Supdt. of Post Offices, Palakkad.

A-3: True copy of the Memo No. Staff/30-17/95 dated 10.1.96 issued by the office of the Postmaster General, Northern Region, Calicut.

A-5: True copy of the memo No. Staff/38-3/1/96 dated at CT-II 15.7.96 issued by the Office of the Postmaster General, Northern Region, Kerala Circle, Calicut.