

Central Administrative Tribunal, Lucknow Bench, Lucknow

ORIGINAL APPLICATION No.464/2006

This the 15th day of September, 2009

**Hon'ble Ms. Sadhna Srivastava, Member (J)
Hon'ble Dr. A.K. Mishra, Member-A**

Akbal Bahadur, aged about 55 years, son of Shri Shiv Raj Singh, resident of village Ratauli, District Barabanki.

.....Applicant

By Advocate: None.

Versus

1. Union of India, though Chief Post Master General, U.P. Circle, Lucknow.
2. The director, Postal Services (Head Quarters), Lucknow.
3. The Superintendent, Post Office, Barabanki Circle, District-Barabanki.

.....Respondents

By Advocate: Sri Raj Singh for Ms. Poonam Sinha.

ORDER

By Ms. Sadhna Srivastava, Member-J

The applicant seeks quashing of order of Disciplinary Authority dt.31.5.2006, as contained in Annexure-A-9, awarding the punishment of dismissal from service and the order of Appellate authority dt. 14.8.1996, as contained in Annexure A-11, confirming the order of punishment passed by the disciplinary authority.

2. The facts, in brief, are that the applicant while working as Post Master in Branch Post Office, Ratauli District Barabanki, un-authorizedly associated his son namely Pradeep Kumar Singh in the discharge of the official functions. The said Pradeep Kumar Singh realized from one costumer, namely, Shri



Lal Bahadur Singh, for Rs.15,000/- on 5.3.2001 and Rs.12,000/- on 25.3.2001 for opening Term Deposit Account. Pradeep Kumar Singh got the prescribed forms filled from Shri Lal Bahadur Singh. He further issued a receipt duly stamped with the Post Office Date Stamp. However, Rs. 27,000/- received from Shri Lal Bahadur Singh was not deposited in the government account. The money was pocketed by Sri Pradeep Kumar Singh. When Shri Lal Bahadur Singh was not issued the Pass Book inspite of several reminders, he made a complaint to the Superintendent Post Office, Barabanki on 26.3.2003. The matter was then enquired. A charge sheet dt.10.11.2005 was issued to the applicant. The applicant denied the charges. The Enquiry officer was appointed, who submitted his report on 28.3.2006. The Enquiry officer found applicant guilty of handing over the official seal in an unauthorized manner. However, Charge No.2, he returned a finding in favour of the applicant on the ground that no monetary loss was caused to the government.

3. The disciplinary authority disagreeing with the findings of Enquiry officer issued a show cause notice on 12.4.2006 and after receipt of representation from the applicant, concluded that the applicant had committed misappropriation of Rs.27.000/- notwithstanding that the applicant had returned the money to the complainant namely Shri Lal Bahadur Singh. Therefore, he awarded the punishment of dismissal from service. The appellate authority confirmed the order with a reasoned and speaking order.

4. The respondents have filed reply alleging that it was a serious matter inasmuch as the applicant handed over the

official seal to an outsider; that Rs.27,000/- required to be deposited in the Govt. account were pocketed by an outsider; that it was a clear case of misappropriation of government money; that mere paying back the money to the depositor cannot exonerate the applicant from misconduct committed by him. In this case the facts have been admitted by the applicant.

Para 4.2-II of the OA reads as under:-

“While working as Branch Post Master, Ratauli, the applicant’s son Shri Pradeep Kumar Singh managed to open term deposit (T.D.) Account of one customer Shri Lal Bahadur Singh for Rs.15,000/- on 5.3.2001 and for Rs.12,000/- on 25.3.2001 by taking in use Form SB-3 and SB-103, duly stamped with Date Stamps and having put forged signature of his father causing financial loss to the Postal Department as well as facing public complaint as well.”

5. Thus, the entire case as setup by the department stands admitted. The applicant has also admitted the fact that he had given back Rs.27,000/- to Shri Lal Bahadur Singh. His defence is that he was innocent and his son was responsible. On the very face of it, one can say that the responsibility lay on the applicant, who was a government employee. It is the applicant, who made his son to work for him in an unauthorized manner. It is the applicant who handed over the Postal seal to his son and made him to perform the function of opening the term deposit account. The only inference is that either the applicant was engaged elsewhere and therefore, he made his son to work for him or he was in collusion with his son. In either case the applicant was responsible for misuse of official seal as well as misappropriation of government money. The repayment made to



Shri Lal Bahadur Singh cannot absolve the applicant from his misconduct.

6. In the above circumstances, we are of the opinion that there is no ground to interfere with the order of Disciplinary authority or the Appellate authority. It is not possible to say that it is the case of no evidence or perverse finding. We are also of the opinion that the punishment awarded to the applicant is not disproportionate to the misconduct committed by him.

7. Resultantly, the OA is dismissed without any order as to costs.

Amit 15/09/09
(Dr. A.K. Mishra)

Member-A

Sadhna Srivastava
(Ms. Sadhna Srivastava)
Member-J

Amit/-