

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH.

...

Registration O.A. No. 1054 of 1991

A.K. Mishra ... Applicant.

Versus

Senior Superintendent of Posts

Faizabad and others ... Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. K. Obayya, Member (A)


( By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was posted as Sub-Post Master, Rajesultanpur in Faizabad Postal Division. He had misappropriated the Government money to the tune of Rs. 45,200 by showing the payment of imaginary money orders in M.O. paid lists of different audit officers submitted to Head Post Office, Akbarpur on the different dates. These imaginary money orders were neither received nor entered in to the post office records and were also not sent to Head Post Office along with the M.O. paid list like other paid vouchers, and these money orders were inserted only in the copy of the paid list sent to Head Post office but not on the office copy of paid list retained also. The amount of imaginary money orders were changed in the sub-office account and the daily account but was not incorporated in the office copy of the paid list. On account of such act, the applicant was placed under suspension on 4.2.1983 and was served with memo of charges under rule-14 of CCS (CC&A) Rules, 1965 on 7.7.1983. An enquiry officer was appointed and the enquiry officer after holding the enquiry held the applicant guilty and acting on the basis of the same, the disciplinary authority passed an order removing the

applicant from service, vide order dated 30.9.1988. The applicant filed an appeal but the appeal was also dismissed thereafter, he filed a petition before the Member (Posts) Post and Telegraph Board, New Delhi, who vide order dated 17.7.1990 dismissed the same and affirmed the appellate ~~order~~ order dated 21.3.1989. The proceedings have been challenged by the applicant on the variety of grounds. One of the grounds which has been taken by the applicant is that the enquiry officer's report was not given to him and he has also not given reasonable opportunity to defend himself which vitiates the entire enquiry. It appears that the enquiry officer's report was not given to the applicant and the applicant could not file objection against the same challenging the enquiry proceedings, and this violates the principle of natural justice as has been held in the case of Union of India Vs. Mohd. Ramzan Khan, AIR 1991 SUC page 471.

2. Accordingly, this application is allowed and the order dated 30.9.1988 removing the applicant from service as well as the appellate order dated 21.3.1989 are quashed. However, this decision will not preclude the disciplinary authority from going ahead with the enquiry proceedings beyond the stage of giving the enquiry officer's report to the delinquent employee and giving him reasonable opportunity to file his representation. The application is disposed of with the above terms. No order as to costs.

  
Member (A)

  
Vice-Chairman

Dated: 17.7.1992

(n.u.)