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CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

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Registration O.A. No. 1171 of 1987

Nakchhed Singh Applicant.

Versus

D.P.S. Allahabad and another Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. A.B. Gorthi, Member (A)

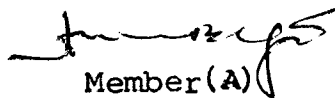
(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who was working as 'Extra Departmental Branch Post Master, Kunda Branch Post Office, District Sultanpur was dismissed from service vide order dated 31.3.1987 against which he has filed an appeal and thereafter, he approached the Tribunal challenging the said order. The dismissal order was passed after disciplinary enquiry against him in respect of forged delivery of forged delivery of Narkuldanga Insured letter No. 781 dated 20.1.1982 for Rs. 850/- to Smt. Surajkali and secondly, the non payment of Kotla power house P.O. MO No. 3265 dated 8.7.1983 for Rs. 900/- to Shri Badri Prasad Yadav. From the facts stated by the parties, it appear that the sub-post master ~~Shahganj~~ Shahganj sent an insured letter from Narkutdanga post office on 20.1.1982 for delivery to the addressee. The applicant acknowledged the receipt of the insured letter and the same was shown to be delivered by the applicant on 29.1.1982 in the record The father of Smt. Surajkali lodged a complaint on 30.7.1982 when the insured letter has been received by the addressee. A complaint dated 19.8.1982 was also received from the office of the senior Superintendent of Post Offices, Calcutta regarding non-delivery of insured letter. The preliminary enquiry in the matter was made

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and the addressee Surajkali Devi was also recorded and in which he denied to have received insured letter of 22.2.1984. He had denied to have scribed the T.I. of Suraj Kali and has also denied that the insured letter was delivered in his presence, thereafter, the applicant was charge-sheeted. Similarly, in respect of other money order which was received by the Kotla Power House Money order and the same was entered in the Branch office slip. An entry was made in the register that the payment was made on 15.7.1983, but the payee lodged a complaint that he had not received the payment. This case was also forwarded to the Sub-Divisional Inspector for the preliminary enquiry. The payee has denied to have received the said amount on 21.2.1984 and has also denied for his Thumb Impression on money order paid voucher. This was the second charge against the applicant. The learned counsel for the applicant contended that the lady herself filed an affidavit stating therein that she has received the payment, as such, there was no question of going ahead with the enquiry. The respondents have rightly pointed out that the lady was summoned during the course of enquiry but she was avoided to appear, as she was won by the at later stage. However, under applicant's presence, she did not appear as defence witness. In the last, she was produced by the state to depose the facts where, she clearly stated that the amount of insured letter was paid to her father at a very late stage. She admitted her all previous statements. and asserted that facts written therein were correct, as per her knowledge. However, she could not state the date of transfer of money to her father. She also denied to

the receipt of the insured letter in present of any Ram pal. So far as the money of Shri Badri Prasad Yadav is concerned, it is clearly mentioned by the remitter that the money order was payable to Shri Badri Prasad Yadav and to to Badri Prasad Bhoonj. The money order does not bear the text of the scribe that T.I obtained on money order paid voucher is of Shri Badri Prasad Bhoonj, and this was also proved. It is not the case in/ which there was no evidence. Even if, there was some evidence, it is not open for the Tribunal appreciate the evidence and set aside the findings of the disciplinary authority. Accordingly, there appears to be no merit in the case and the application deserves to be dismissed without any order as to costs.


Member(A)


Vice-Chairman

Dated: 27.5.1992

(n.u.)