

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Criminal Application No. 524 of 1989(L)

## Virus

Hon'ble Mr. Justice U.C. Trivastava, V.C.

Humble Mr. K. Odayya, Member (a)

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

The applicant was appointed as Extra Departmental Branch Post Master Parasnana, Under the account office Utraula District, G.n. No. on 27.9.1985. A charge sheet was served on him under Rule 8-A of the S.D.A.'s (Conduct & Service) Rules, 1964 on 27.3.1987. The charges against the applicant were regarding irregularities committed with fraudulent intentions, but the applicant denied the charges and accordingly, an Enquiry Officer was appointed and an enquiry was held. The Enquiry Officer after holding the enquiry submitted the report, in which it was held that the charges against the applicant were proved. The Disciplinary Authority, thereafter, passed an order on 16.5.1988 removing the applicant from service.

2. The applicant filed an appeal and the Appellate Authority also discussed the pleas raised by the applicant and dismissed the appeal. The learned counsel for the applicant contended that there was no violation of the rule by the applicant, merely because insured cover unfortunately was lost, the applicant could not be held guilty of the same or committing any financial irregularities because it was lost in transit.

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of finding out as to who was responsible than applicant has been visited with maximum punishment.

3. According to the findings, the bag was closed at Utraula Post Office and was transferred to Parsauna Post Office directly and there was no transit in between the above two post offices and preliminary enquiry was also established the same and thus, Enquiry Officer came to conclusion that it was negligent act of the applicant. According to the respondents the provisions of Rules 169,54 and 37 of branch office rules were violated by the applicant, that is why this punishment has been given. As we do not find any fault in the enquiry, it is not possible to interfere in the matter, it can not be said that there was no violation of rules, it may be that the applicant himself may not have swallowed the amount but he can not escape liability for it; it was open to the respondents to give him maximum or minimum punishment and they have awarded him maximum punishment. No interference can be made, and accordingly, this application is dismissed. However, it is open for the respondents to consider the case of the applicant for re-employment. No order as to the cost.

*R K Singh*  
Member(..)

*L*  
Vice-Chairman

Lucknow Dated 7.8.1992.

(RKA)