

**Central Administrative Tribunal, Lucknow Bench,  
Lucknow**

**Original Application No. 99/2008**

This the 16th day of December, 2009

**Hon'ble Ms. Sadhna Srivastava, Member-J**

**Hon'ble Dr. A.K. Mishra, Member-A**

Vindhyanchal Singh, Aged about 49 years, S/o late Sri Ram Singh, R/o Village & Post Office Firojpur Makhdumi, Pargana and Teshil Rudauli, District Faizabad.

.....Applicant

By Advocate: Sri R.K. Maurya.

**Versus**

1. Union of India through Secretary, Department of Posts, New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Director of Postal Services (Head Office), Lucknow.
4. Superintendent of Post Offices, Division Barabanki.
5. Deputy Regional Inspector of Posts Sub-Division Ram Nagar, Barabanki.

.....Respondents

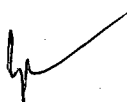
By Advocate: Sri S.P. Singh for Dr. Neelam Shukla

**ORDER (Oral)**

**By Dr. A.K. Mishra, Member-A**

The applicant has challenged the removal order dated 30.5.2007 and the confirming order dated 10.12.2007 of the appellate authority.

2. The applicant was working as Postmaster of rural Branch Post Office Firozpur, Makhdumi, Barabanki. A Chargesheet was issued on 8.2.2007 alleging fraudulent withdrawal of Rs. 1400/- from the S.B. A/c no. 249915 of Sri Praveen Kumar Mishra. On denial of charge, a regular inquiry was held in which charge was proved. A copy of the inquiry report was given to the applicant on 3.5.2007 and he submitted a representation against the findings on 5.5.2007. After considering all aspects of the case, the




Superintendent of Posts, Barabanki Division passed the impugned order of removal of the applicant from Postal Service. The applicant filed an appeal against it, which was rejected by the appellate authority on 10.12.2007.

3. At the time of hearing, the learned counsel for the applicant fairly conceded that the applicant had infact committed the mistake of writing on the withdrawal application relating to the aforesaid S.B. A/c of Sri Praveen Kumar Mishra; but according to him, the original withdrawal application filed by the account holder was misplaced some-where. But, the withdrawal amount of Rs. 1400/- had already been paid to him and since the account holder was not available for a long period in the village, the applicant had to resort to signing a new withdrawal application on behalf of depositor and square up the account. There was no malafide on his part, nor was any attempt of misappropriation of the amount. The account holder had not made any complaint about non-receipt of money, neither was any loss caused to the Government. He had himself mentioned in the Error book about the incident on 10.7.2006. In the circumstances, the penalty of removal of service, which has caused serious financial hardships to his family was disproportionate to the punishment.

4. We find that he had not specifically taken this ground in the appeal petition filed before the appellate authority, although he had mentioned that the penalty would have serious adverse consequences for the livelihood of his children. This fact has been mentioned in the appellate order, but the penalty order was not interfered with.

5. The settled law is that the Tribunal would not interfere even in the matter of quantum of punishment. However, keeping in view the admission of the applicant that he had committed the mistake of writing on withdrawal application, which did not bear the genuine signature of account holder and the circumstances explained by him, in which he had to do so in order to



square up the account and also the fact that the account holder had admitted to have received the withdrawal amount in full, we remand this case to the appellate authority for reconsideration only on the plea of proportionality of punishment imposed with reference to the gravity of the offence committed. The appellate authority may give personal hearing to the applicant before giving final decision in the matter.

6. The application is accordingly disposed of with direction to the appellate authority to review the quantum of penalty imposed on the applicant after hearing him. No costs.

  
(Dr. A.K. Mishra)  
Member-A

  
(Ms. Sadhna Srivastava)  
Member-J

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