

**CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW  
BENCH LUCKNOW**

**Original Application No.260/2010**

**Order Reserved on 5.8.2014**

**Order Pronounced on 28/08/2014**

**HON'BLE MR. NAVNEET KUMAR MEMBER (J)  
HON'BLE MS. JAYATI CHANDRA, MEMBER (A)**

Sheo Narain Verma aged about 55 years son of Sri Mahadeo Prasad  
r/o Village Mitauli, Post Adampur Janubi, District- Lucknow.

**Applicant**

**By Advocate: Sri R.S.Gupta**

**Versus**

1. Union of India through the Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. CPMG , UP, Lucknow.
3. DPS (HQ) O/o CPMG, UP, Lucknow.
4. SSPOs, Lucknow.
5. Senior Postmaster, Lucknow Chowk.

**Respondents**

**By Advocate : Sri S.L.Mishra**

**ORDER**

**By Hon'ble Mr.Navneet Kumar, Member (J)**

The present Original Application is preferred by the applicant under Section 19 of the AT Act, 1985 with the following reliefs:-

(a) That this Hon'ble Tribunal may kindly be pleased to quash the order dated 11.8.2005 and dated 25.8.2009 and 9.6.2010 as contained in Annexure No. A-1, A-2 and A-3 and direct the Ops to allow the applicant to work as Postman Lucknow Chowk Head Post Office as has been done in case of Sri Ramakant Shukla with all consequential service benefits along with interest @ 24% on all arrears.

2. The brief facts of the case are that the applicant was initially appointed as ED Stamp Vendor and was promoted to the post of Postman. The applicant was placed under suspension in 1999. The applicant was involved in a criminal case under Section 120 B/201/511 IPC read with Section 7 and 13(2) read with Section 13(1)

(d) of the Prevention of Corruption Act, 1988 and finally convicted

u/s 120 B IPC and was sentenced to undergo a simple imprisonment of two years with fine of Rs. 2000/-. Subsequently, the applicant was granted bail vide order dated 23.11.2004 and by means of order dated 19.12.2006, the award of sentence was passed against the applicant also remained suspended until decision of the appeal filed before the Hon'ble High Court. The learned counsel for applicant has also taken a plea that person who was similarly situated was reinstated and was assigned work whereas the applicant has not been assigned any work, as such he has prayed for quashing of the order dated 11.8.2005 whereby the applicant was dismissed from service as well as order dated 25.8.2008, whereby appeal of the applicant was rejected and the order dated 9.6.2010 whereby the revision of the applicant was rejected by the revisionary authority.

3. On behalf of the respondents, the reply was filed and through reply, it is indicated by the respondents that applicant handed over a registered letter containing a passport No. A-4594073 dated 28.1.1998 of Sri Amit Tandon to Sri Sharad Gupta by putting fraudulent signature of Sri Amit Tandon at the time of delivery slip. The said passport was subsequently recovered from the house of Sri Sharad Gupta by the CBI while accepting illegal gratification of Rs. 1300/- for delivering of the said passport to Sri Sharad Gupta. The applicant constituted an offence which was punishable under Section 120 B of IPC for creating conspiracy and also Section 7 and 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988. In the Trial, the applicant was awarded simple imprisonment for two years with fine of Rs. 2000/-. The applicant filed the criminal appeal before the Hon'ble High Court and was granted bail. It is also to be indicated that the applicant has also filed a Writ Petition No. 1930 (S/S) of 2005 and the Hon'ble High Court disposed of the writ petition with certain directions. It is also indicated by the respondents that in pursuance of the direction issued by the

Hon'ble High Court in writ petition No. 1930 (S/S) of 2005, the applicant was served with the charge sheet and after due enquiry, the punishment was awarded to the applicant and the appeal and revision of the applicant was also rejected. There is no procedural lapses on the part of the respondents, as such no interference is called for by the Tribunal.

4. On behalf of the applicant, the Rejoinder Reply is filed and through Rejoinder reply, mostly the averments made in the O.A. are reiterated and contents of the Counter Reply are denied.

5. Heard the learned counsel for the parties and perused the records.

6. The applicant was initially appointed in the respondents organization and joined as Extra Departmental Stamp Vendor . He was promoted to the post of Postman in 1992. The applicant was placed under suspension vide order dated 16.4.1999. Not only the applicant, but number of other persons were involved in a criminal case and Sessions Trial took place which was finally decided and an order on 6.4.2006 in which the applicant was sentenced to undergo with an imprisonment. He has filed a criminal appeal before the Hon'ble High Court and the Hon'ble High Court granted the bail and also suspended the sentence passed against the applicant. The statement given by the respondents is that the applicant has also filed a writ petition No . 1930 (SS) of 2005 before the Hon'ble High Court against the order of suspension and the Hon'ble High Court finally disposed of the writ petition by means of order dated 26.4.2005 and the Hon'ble High Court directed as under:-

“Under the facts and circumstances, it is provided that if the charge sheet has not been served on the petitioner by the inquiry officer the same shall be served on the petitioner within a period of 15 days from the certified copy of this order is produced before him. The petitioner will reply to the said

charge sheet within a period of one month thereafter and the enquiry officer shall complete the enquiry after affording an opportunity to the petitioner with a period of three months. In case the petitioner did not cooperate with the disciplinary proceedings it will be open to the inquiry officer to proceed with the case ex-parte and submit its report within the stipulated time as stated herein above. The competent authority on receiving the inquiry report after affording the opportunity to the petitioner will pass appropriate order within a period of two months.”

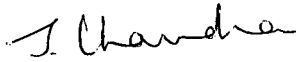
7. It is also indicated by the learned counsel for respondents that in pursuance of the same, the respondents conducted an enquiry and in the enquiry, the applicant was found guilty and the applicant was dismissed from service. As per the observations of the Hon'ble High Court, it was directed that if the charge sheet is not served upon the applicant, the same shall be served upon the applicant and applicant will reply to the said charge sheet and the enquiry officer will complete the enquiry after affording an opportunity to the applicant and thereafter the competent authority will pass the order. Undisputedly, the applicant preferred the appeal and the appeal of the applicant was also considered and rejected by the authorities. While deciding the appeal of the applicant, the appellate authority has considered all the points raised in the appeal. Not only this, the applicant has preferred the revision and the said revision of the applicant was also decided indicating therein that the applicant was prosecuted in a criminal case by Special Judge Anti Corruption under Criminal case No.12/99. The charge against the applicant was of criminal conspiracy with one Sri Sharad Gupta, a daily wage employee of Passport office, Lucknow with intention to commit the offence of forgery, cheating and criminal conspiracy. While he was working as Postman handed over

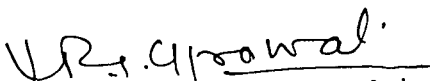
a registered letter containing a Passport of Sri Amit Tandon to Sri Sharad Gupta by making fraudulent signature of Sri Amit Tandon. It is also indicated by the revisional authority in his order that it is expedient that no complaint was preferred by the addressee but a trap was arranged by CBI after 6-1/2 months from the date of delivery of registered letter, in the enquiry conducted by the CBI, it was found that the applicant delivered the Article to other person accordingly considering all the facts and vital evidence of record, the applicant was awarded imprisonment of two years with a fine of Rs. 2000/- under Section 120 B IPC and simple imprisonment of two years and a fine of Rs. 2000/- u/s 13(2) read with 13(1)(d) of the Corruption act 1988. After considering all these facts, the revisional authority rejected the revision of the applicant.

8. It is admitted to the extent that the applicant delivered the documents to a person who was not a beneficiary in connivance with some other person and accordingly court has also convicted the applicant and find him guilty in such offence. Not only this, the applicant was also given due opportunity to participate in the enquiry as per directions given by the Hon'ble High Court. Therefore, there appears to be no wrong done by the respondents in passing the impugned order.

8. Considering the submissions made by the learned counsel for parties as well as on the basis of records, we do not find any reason to interfere in the present O.A.

9. Accordingly, the O.A. is dismissed. No order as to costs.

  
**(Ms. Jayati Chandra)**  
**Member (A)**

  
**(Navneet Kumar)**  
**Member (J)**

HLS/-