

CFNTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

LUCKNOW

Lucknow this the 15th day of April, 99.

O.A. No. 512/92

HON. MR. D.C. VERMA, MEMBER(J)

HON. MR. A.K. MISRA, MEMBER(A)

Chhotey Lal Pandey, aged about 45 years, son of Gajodhar Prasad resident of village Imari, Post office Umari, Pargana Khairabad Tehsil and District Sitapur.

Applicant.

None for applicant.

versus

Union of India through Superintendent of Post offices, Sitapur.

2. Sub Divisional Inspector(Post) Offices, North Sub Division Sitapur.

Respondents.

By Advocate Dr. Dinesh Chandra.

O R D E R (ORAL)

By this O.A. the applicant has challenged the order of removal dated 21.10.91 and the ~~confirmation~~ appointment order dated 22.10.91 and for payment of salary and other emoluments w.e.f. 1.8.91. The respondents filed their C.A. in April, 1993, but R.A. thereto has not been filed by the applicant. However, none appeared for the applicant since 5.7.93. The pleadings have been therefore, examined with the help of Dr. D. Chandra, learned counsel for the respondents.

2. The ~~brief~~ facts of the case are that the applicant was appointed as E.D.B.P.M. Umari, Sitapur in the year 1970. The applicant was implicated in a criminal case under section 409, 467, 468, 420 I.P.C. Police Station Kotwali, Sitapur on a complaint lodged by Ram Singh. It was alleged that the wife of the complainant Ram Singh had deposited more than ₹25,000/- in the

Savings Bank account. The said amount was not drawn by the wife of Ram Singh. However on the ground of fraudulent withdrawal, the applicant was arrested but was released on bail. By the impugned order dated 21.10.91, the applicant was "put off" duty under rule 9(i) of the E.D.A Service and Conduct Rules, 1964. The order of S.D.I. Sitapur Anneuxre-1 was confirmed by Superintendent of Post Offices on 22.10.91 (Annexure-2 to the O.A.).

3. As per the O.A., the complaint made by Ram Singh no offence is made out against the applicant and therefore, both the impugned orders dated 12.10.91 and 22.10.91 are illegal. It has also been stated in the O.A. that no preliminary enquiry was conducted and there was no adverse material available against the applicant and therefore, the order of put off duty without giving a show cause notice is in violation of the principles of natural justice.

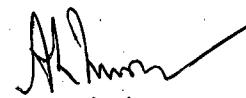
4. The respondents' case is that according to the F.I.R. lodged by Ram Singh, fraudulent withdrawal of Rs 20,000 was made from the account of the wife of Ram Singh. A complaint to that effect was received by the department also and as it was found that the money was not deposited by the applicant in the T.D. Account of wife of Ram Singh, and, therefore, by the impugned order dated 21.10.91, the applicant was put off duty. It was also directed that the applicant shall not be paid any salary or allowance for the period of put off duty.

5. From the respondents' case the amount was withdrawn from the S.B. Account of wife of Ram Singh on the identification of the minor son of the applicant and also by forging signatures of witnesses. The applicant's case that he has been removed from service, according to the



respondents, is not correct. The applicant has been only put off duty due to pending case of embezzlement and forgery lodged against the applicant.

6. After hearing the learned counsel for the respondents and perusing the pleadings on record, I am of the view that on the facts of the present case, it was not necessary to give any show cause before putting off the applicant from duty. The rules does not provide for giving any show cause. Natural justice has not been violated. In view of the allegations against the applicant I find no ground to interfere with the impugned orders. There is no merit in the O.A. The same is dismissed. Costs easy.

  
MEMBER(A)

  
MEMBER(J)

Lucknow; Dated; 15.4.99

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