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letter was not entered in the Post Card in the prescribed format viz. 10.6.1.12 as required by Rule 164 of rules for Branch offices.

(ii) That the said S. I. Devi and B. C. Singh, while working as P.O. were at their respective post offices, during the above period when the charge of letter 54 dt. 3.6.1932 for Rs. 20/- was delivered to the addressee on 10.6.1932 under receipt which the addressee denied and later on to conceal his guilt, the P.O. S. I. Devi Singh placed the article in question in a bag delivered to the Smt. Gita Devi by one of the postmen by taking advantage in the time of delivery itself.

8. From the above, it is evident that the charges were for lapses in making entries in the prescribed registers maintained at the post office. From the enquiry report, it is noticed that the E.O. held that both the charges are proved and that the violation of Rule 164 of the rules of Branches Offices is established. There may not be a case of misappropriation ^{fact} in fact as the applicant was not charged for misappropriation. The charges relate only to discharge of duties and maintenance of proper registers. From the enquiry report, it is also noticed that the enquiry was held on different dates and the applicant was present during the enquiry. The applicant alleged that Smt. Gita Devi, who received the insured letter, was not examined. The ~~examiner~~ have stated that the applicant could have examined her on his behalf to prove his case but he failed to do so.

9. So far as the documents are concerned, the memo of charges contained a list of documents which were relied

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upon to prove the charges and copies of these documents were enclosed with the memo of charges served on the applicant. The applicant would appear to have asked for inspection of 29 Additional documents, out of which 9 which were considered relevant were allowed to be inspected. The remaining 20 were considered not relevant to the case. Therefore, no inspection was allowed. The applicant has not stated how the documents which were refused for inspection were relevant to the case. Further, this aspect was also discussed in the appellate order, wherein, the appellate authority held that the relevancy of these documents was not explained by the applicant. In this back ground, we find that the contention that the enquiry was not properly held and that opportunity was not afforded to the applicant to defend his case and the relevant documents were not supplied, is without merit.

10. Regarding the contention that the proceedings are vitiated for failure to comply with the time limit of 120 days prescribed by the Director General of Postal Services for finalisation of disciplinary proceedings, we have carefully examined the relevant instructions at page nos, 40 to 42 of service Rules for E.D. Staff (Swamy's Compilation 1987 VIth Edition). The instructions indicate that E.D. agent can be "put off" duty even before initiation of disciplinary proceedings. Though, ofcourse to "put off" should not be on mere suspicion but on establishment of a prima facie case . In the case of the applicant, the charges related to lapses on his part committed in 1982 and ^{was} the put off duty ⁱⁿ 1983 after preliminary inquiry which established that there was a prima facie case against the applicant. The time limit of 120 days for completion of disciplinary proceedings is only to impress upon the disciplinary authority to pass final orders expeditiously.

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but it is not a hard and fast rule that the proceedings should not be extended beyond the period of 120 days. What is required, the matter should be reported to the superior authority showing justification for the delay in completion of the disciplinary proceedings. In the light of this, we hold that mere delay in finalisation of the disciplinary proceedings will not vitiate the proceedings. The applicant has not made out any case of violation of statutory provisions and his contention that the disciplinary proceeding is violative of the instructions, has no substance.

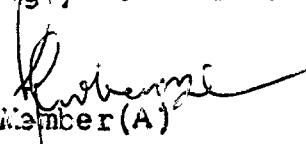
11. It was also urged that a copy of enquiry report was not given to the applicant before imposition of the punishment. We have considered this contention. The charges were for failure to perform the departmental duties. It is not the case of the applicant that he has made the correct entries in the registers, on the other hand, he has pleaded that he was not aware of the rules. Ignorance of rules can not be a ground for justifying lapses. The applicant is expected to be conversant with rules and regulations which he has required to follow in day to day work. As the charges were held established on the basis of the office records, we do not see that there is any prejudice caused to the applicant's case in not furnishing the enquiry report before imposition of punishment.

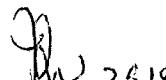
12. The order of disciplinary authority (Annexure-5) contains detailed discussion on the evidence for and against, it shows clearly that the decision of the disciplinary authority was arrived at by due application of its mind. The order of the Appellate Authority (Annexure-7) also discusses in detail the grounds urged in the appeal. It is well reasoned order. We do not see any infirmities or irregularities in these orders.

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13. Taking the facts and circumstances of the case, we are of the view that the application has no merit and accordingly it is dismissed with costs on the parties.


Member (A)


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Vice-Chairman

Dated : 26 August, 1991.

(n.u.)