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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

~~O.A. No.~~

T. A. No. 229/87

198

DATE OF DECISION 10.7.1991

V. V. Trivedi Petitioner

Mr. M. P. M. Pillai Advocate for the Petitioner (s)

Versus

Union of India & Ors. Respondent


Mr. Ramesh Darda Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. U.C. Srivastava, Vice-Chairman

The Hon'ble Mr. P.S. Chaudhuri, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?


(U.C. Srivastava)
V/C

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY
CAMP AT NAGPUR
* * * *

Transferred Application No.229/87

Vinayak V.Trivedi,
Postal Assistant,
Yavatmal Head Office,
Yavatmal.

... Applicant

V/s

1. Union of India, through
the Director General of Post &
Telegraphs, Lak-Tar Bhavan,
New Delhi.
2. Superintendent of Post Offices,
Wardha Division, Wardha.
3. Director of Postal Services,
Nagpur Region, Shivaji Nagar,
Nagpur.

... Respondents

CORAM : Hon'ble Vice-Chairman, Shri U.C.Srivastava
Hon'ble Member (A), Shri P.S.Chaudhuri

Appearances:

Mr. M.F.M.Pillai, Advocate
for the applicant and
Mr. Ramesh Darda, Advocate
for the respondents.

ORAL JUDGEMENT: Dated : 10.7.1991
(Per. U.C.Srivastava, Vice-Chairman)

The applicant who now admittedly has retired from service was working as a Postal Assistant in the Head Post Office, Yavatmal. It appears some misappropriation took place in the Post Office at Ghonsa and the Branch Post Master was convicted under Section 409 and a charge sheet was issued to the applicant along with the statement of imputations. The applicant submitted his reply to the same. The disciplinary authority in its detailed order came to the conclusion that had the applicant acted as per provisions of Rule 492 of P&T Manual Vol. VI, Part II not only previous misappropriations made by the Branch Post Master in those accounts would

have come to light but the fraud would have been checked earlier and the loss sustained by the department would have not been so heavy. After taking into account the past services of the applicant, the circumstances under which he had to work and the fact that during the period the applicant officiated as the concerned Ledger Clerk the Branch Post Master misappropriated an amount of Rs.3,285/- the applicant was made liable to share his responsibility to the extent of Rs.1,640/- which was recovered in 20 monthly instalments and admittedly the same amount has been recovered. The learned counsel for the applicant contended that the applicant has not misappropriated any money and as such no liability could have been passed on to him. The applicant has been saddled the responsibility because there was also failure on his part to comply with the particular rule which in the opinion of the disciplinary authority would have checked the commission of fraud by the Branch Post Master and there is sufficient ground for penalising the applicant. The learned counsel contended that no fulfilled enquiry took place. It is not necessary that any fulfilled enquiry should take place in the matter of a minor penalty. The applicant's written statement was taken into account and thereafter the matter was decided. Even in the memo of appeal the appellate authority who dismissed the appeal this plea was taken into account. We do not find any good ground to interfere in the matter. The application is dismissed with no order as to costs.



(P.S.Chaudhuri)
Member(A)



(U.C.Srivastava)
Vice-Chairman