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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH.

Original Application No. 505/88

~~Transfer Application No.~~

Date of decision 21.7.1993

Shri M.T. Savant

Petitioner

Shri C.B. Kale

Advocate for the Petitioner

Versus

The Postmaster General, Mah. Circle, Respondent
Bombay & Anr.

Shri P.M. Pradhan

Advocate for the Respondent(s)

Coram :

The Hon'ble Shri V.D. Deshmukh, Member (J)

The Hon'ble Shri

1. ~~Whether the 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 ?


(V.D. DESHMUKH)
MEMBER (J)

(b)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

OA.NO. 505/88

Shri Manohar Tukaram Savant ... Applicant
v/s.

The Postmaster General,
Maharashtra Circle, Bombay.
AND ANOTHER. ... Respondents

CORAM: Hon'ble Member (J) Shri V.D.Deshmukh

Appearance

Shri C.B.Kale
Advocate
for the Applicant

Shri P.M.Pradhan
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 21.7.1993

(PER: V.D.Deshmukh, Member (J))

The applicant had filed this application claiming interest on the delayed payment of gratuity. He retired on superannuation on 28.2.1983. The applicant was served with a charge-sheet and after the regular inquiry was held, the disciplinary authority passed an order on 25.4.1986. It was mentioned that after considering the report of the Inquiry Officer, it was found that the charges framed against the applicant were only partially proved and in the opinion of the President they were not sufficiently serious to call for reduction in the pension of the applicant. In view of the above, the disciplinary proceedings against the applicant were dropped. The applicant received all the pensionary benefits and he had filed the present application for interest on DCRG. On the last date, however, Mr.P.M.Pradhan, learned counsel for the respondents produced a copy of the letter dated 22.12.1988 which shows that the interest had already been paid to the applicant on DCRG. In view of this letter, the applicant through his advocate made a statement that he did not press the - ~~claim~~ ^{claim} his claim for interest and restricts his claim to the refund of the amount of Rs.2,000/- only.

2. The parties were directed to produce the report of the Inquiry Officer and the applicant has produced a copy of the said report. The only question which remains is as regards the refund of the amount of Rs.2,000/-. The applicant was directed under the letter dated 1.12.1982 (Ex. 'A-6') to credit the amount of Rs.2,064.40 and the applicant credited this amount under the receipt. It is obvious that this amount was directed to be ~~credited in few~~ possible been order to restore the loss that might have caused to the department by alleged misuse of the facility of telephone and vehicle. The applicant himself has stated in Para 9.3 that as per the ~~claim~~ ^{findings} of the Enquiry Officer the loss comes to Rs.60/- only and the balance of Rs.2,000/- he was entitled to receive.

3. The order dated 25.4.1986 under which the proceedings were brought and also the Enquiry Report shows that so far as the Charge No. 1 was concerned, the finding was that the charge was factually correct but no malafide seems to be involved because of the petty amount of the bills, i.e. Rs.30/- only. As against the second charge also the Enquiry Officer found that out of the three instances, one was not proved but in respect of the other two instances though correct, the nature of the lapses was not very serious. The third charge was also held to be not proved except as regards a small portion, namely, that the order was placed in respect of certain items on a firm which had quoted a higher rate.

4. After going through the Enquiry Report, it is obvious that the respondents cannot ~~appropriate~~ ^{atate} the entire amount credited by the applicant to the alleged loss caused to them. The disciplinary authority ^{had} also taken into consideration that whatever was ~~found~~ against the applicant was not sufficiently

serious) so that any severe punishment could be imposed upon the applicant. In the circumstances, the respondents are liable to refund to the applicant the amount after considering the report of the Enquiry Officer and assessing the loss caused to the department on the basis of the said report. The application is, therefore, disposed of with the direction that the respondents shall assess the loss caused to the department on the strength of report of Enquiry Officer only and they shall be entitled to adjust that amount against the amount deposited by the applicant. The respondents shall refund the remaining amount within three months from the date of receipt of a copy of this order. No order as to costs.



(V.D. DESHMUKH)

MEMBER (J)

mrj.