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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No. 98/89.

Shri D.S.Sawant.

... Applicant.

V/s.

Union of India & Ors.

... Respondents.

Coram: Hon'ble Vice-Chairman, Shri U.C.Srivastava.
Hon'ble Member(A), Shri M.Y.Priolkar.

Appearances:-

Applicant by Shri B.W.Vaidya.
Respondents by Shri V.M.Pradhan.

JUDGMENT:-

(Per Shri U.C.Srivastava, Vice-Chairman) Dated:- 25/3/91

The applicant who was a treasurer in the Post Office has filed this case under section 19 of the Administrative Tribunals Act, 1985 after dismissal order dismissing him from service after disciplinary inquiry. The applicant was not a regular treasurer but was acting against a vacant post of main treasurer in the Post Office in A.K.Marg. In April, 1984 he was asked to carry out the duties of main treasurer. On 28th April, 1984 the treasury safe was closed and on 30th April, 1984 when it was opened in the morning it was found that a sum of Rs.1,20,000/- was missing and a complaint was lodged with the Police in respect of theft at Gamdevi Police Station and the applicant was arrested by the Police and a criminal case also started against him, but in the criminal case ultimately he was acquitted. A decision to start Disciplinary Proceedings against him was taken and he was chargesheeted for following three charges:-

"ARTICLE - I.

Shri D.S.Sawant while functioning as Main Treasurer of A.K.Marg S.O., by giving his key of the Treasury safe to SPM for overnight custody from the close of 28.4.1984 till the opening of 30.4.1984; failed to observe joint custody for

the treasury safe; and thereby became personally responsible for the loss of Rs.1,20,000/- sustained by the Government as enjoined in Rule 58 of FHB Vol I and Rule 30(e) of FBB Vol.II.

ARTICLE -II

Shri D.S.Sawant while functioning as Main Treasurer A.K.Marg, S.O. by giving his key of the treasury safe to the SPM for overnight custody from the close of 28.4.1984 till the opening of 30.4.1984 failed to observe joint custody of the treasury safe; and thereby violated provisions of Rule 23(b) of P & T Man.Vol.VI Part I and Rule 658 P & T Man.Vol. Part III.

ARTICLE - III

Shri D.S.Sawant while functioning as Main treasurer A.K.Marg S.O. suppressed material information during enquiries and gave contradictor statements which frustrated successful inquiries and investigation regarding custody of his key of the treasury safe and thereby acted in a manner unbecoming of a Govt. servant violating provisions of Rule 3(I)(iii) of CCS (Conduct) Rules, 1964."

2. Apparently, there were two keys for the safe of the treasury, one key is kept with the Sub Post Master and the other key is kept with the Main Treasurer. It is opened only if both the keys are used. The safe of treasury is locked and is in the cage of the treasury. The treasury cage is also locked at the close of office hours and the key of the treasury cage is with the Sub Post Master. The applicant's case is that he did not carry the key of the safe on his person, but pleaded that he had kept the said key in the Almirah of the Sub Post Master with the consent of the Sub Post Master Mr.Satardekar. On 28.4.1984 the applicant and the Sub Post Master by using both the keys opened the treasury and discovered a loss of Rs.1,20,000/-. It will be relevant here to note that the applicant alone was charge sheeted and Enquiry Proceedings against him were issued. So far as the Sub Post Master is concerned there was no charge sheet or inquiry against him and it has been stated in the reply of the opposite parties that under the rules the applicant