

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH.

Original Application No.469/2001.

Tuesday, this the 17th day of July, 2001.

Shri Justice Birendra Dikshit, Vice-Chairman,
Shri M.P.Singh, Member (A).

G.D.Patil,
EDSPM (Group 'C')
Salve EDSO (put off) at
post Salve,
Tal. - Dharansgaon Dist.
Jalgaon - 425 121.
(By Advocate Shri S.P.Inamdar)

...Applicant

v.

1. Union of India through
The Director of Postal Services,
Office of Postmaster General,
Aurangabad - 431 002.

2. The Supdt. of Post Offices,
Jalgaon Division,
Jalgaon - 425 001.

...Respondents.

: O R D E R (ORAL) :

Shri M.P.Singh, Member (A),

By filing this OA, the Applicant has sought relief by praying for direction to quash and set aside the punishment order dt. 27.4.2000, the Appellate Order dt. 30.6.2000 and also has sought direction for grant of consequential benefits.

2. The brief facts of the case are that, the applicant was appointed as EDSPM on 30.4.1996. He was issued with a charge sheet and thereafter an Enquiry Officer was appointed to enquire into the charges. The charges levelled against the applicant are as follows :

" Charge No.1: Shri Gokul Daga Patil, while working as EDSPM Salve EDSO during the period from 24.5.99 to 21.9.99 taxed the unpaid articles for Rs.269/- (Rs. Two hundred sixty nine only) and given the same to Shri Bhalchandra Harchandra Patil EDDA Salve EDSO for delivery. Shri Bhalchandra Harchandra Patil EDDA

...2.

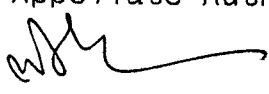
recovered the amount of taxed articles for Rs. 269/- and given to Shri Gokul Daga Patil. EDSPM has given receipt in the Postman Book of the EDDA of the amount towards unpaid articles received from EDDA.

But Shri Gokul Daga Patil, EDSPM has not credited and accounted for the said amount of Rs.269/- received from EDSO in the B.O. Account on respective dates.

Charge No.2: The said Shri Gokul Daga Patil while working as EDSPM Salve EDSO during the period from 24.5.1999 to 21.9.1999 made misappropriation of Rs.269 and thus violated the provision of Rule No.17 of EDA's conduct and service Rules - 1964.

As the charged official denied the charges Shri S.M.Patil/ was appointed as Inquiry Officer to inquire into the charges. Shri L.V.Suryavanshi, SDI(P) Amalner was appointed as presenting officer to present the case on behalf of the prosecution side. Shri S.P.Mali, retired Postal Official was nominated as Defence Assistant by the charged official."


After holding the enquiry, the Enquiry Officer submitted his report to the Disciplinary Authority to the effect that the charges were proved against the applicant. The Disciplinary Authority sent a copy of the report of finding of the Enquiry Officer to the applicant in order to enable him to make a representation. He submitted his representation. The Disciplinary Authority after taking into consideration his representations and also the material available on record imposed a penalty of dismissal from service on the applicant. Thereafter, he filed an appeal before the Appellate Authority. The Appellate Authority rejected the appeal by order dt. 30.6.2000. Aggrieved by this, he has filed this OA seeking aforesaid reliefs.

3. Heard the Learned Counsel for the applicant.
 4. During the course of argument, the Ld. Counsel for the applicant submitted that the penalty imposed on the applicant is dis-proportionate, as the amount in question is very small and for this little mistake his entire career cannot be brought to an end. He further submitted that the applicant has asked for personal hearing and the Appellate Authority without giving an
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opportunity of personal hearing, has decided the appeal. He also submitted that the Appellate Order and the order passed by the Disciplinary Authority are not speaking orders.

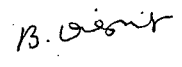
5. On perusal of records, we find that the applicant while submitting his appeal has admitted that as EDSPM it was his duty to check the Register maintained by the EDDA and ask for unpaid delivered amount noted by him. As he was new, he had no knowledge that he has to check the book of the EDDA. As the EDDA was senior, he has thus taken advantage of his ignorance and has involved him in this case. In other words, the applicant has admitted his guilt. While submitting his representation to the appellate authority. On perusal of order passed by the appellate authority we find that order is a reasoned & speaking one. It is a settled law that the Courts cannot interfere with the quantum of penalty unless it shocks the conscience of the Court. In this case, the charges are very grave as the applicant is involved in misappropriation of unpaid money. Therefore, the punishment imposed on the applicant by the Respondents is justified. As regards the grant of personal hearing, we find that since the applicant himself has admitted his guilt that he has not performed his duties properly, the position would not have changed even if he was given personal hearing. When learned counsel was asked the question as to whether the position would have been different if he had been granted the personal hearing, he failed to satisfy us on this ground.

4. In view of the aforesaid reasons, the application is devoid of merit and is liable to be dismissed, we do so accordingly.



5. The application is disposed of at the admission stage with the above directions. No costs.


(M.P. SINGH)
MEMBER(A)


(BIRENDRA DIKSHIT)
VICE-CHAIRMAN

B.