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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

DATED THIS THE 25th DAY OF FEBRUARY 1987

Present : Hon'ble Shri Ch.RAMAKRISHNA RAO MEMBER(J)

Hon'ble Shri L.H.A.REGO MEMBER(A)

APPLICATION No.808/86.

C.V.Honna Setty,  
r/a Nelligere,  
Nagamangala Taluk,  
Mandya District.

...

APPLICANT

( Shri U.Pandurang Naik ... Advocate )

v.

The Superintendent of Post Offices,  
Mandya Division,  
Mandya - 571 401.

The Director of Postal Services (SK),  
and Appellate Authority, Office of  
the P.M.G., Karnataka Circle,  
Bangalore - 560 001. ...

RESPONDENTS

( Shri M.Vasudeva Rao ... Advocate )

This application has come up before the court  
today. Hon'ble Sri Ch.Ramakrishna Rao, Member(A) made the  
following :

O R D E R

A memorandum dated 17.6.85 (memo, for short) was  
issued by the Superintendent of Post Offices, Mandya Dn(R1)  
levelling the following charges against the applicant who was  
then working as Branch Post Master(BPM) at Nelligere B.O.

1. Sri C.V.Honna Setty while functioning as EDBPM  
from 1.12.76 to 24.4.85 produced a sum of Rs.448.30  
and stamp balance of Nelligere B.O a/w Bellur SO  
as against a balance of Rs.1214.90 on 24.4.85  
before SDI(P) Nagamangala when the latter visited  
the office and verified the cash and stamp balance  
and failed to produce the balance sum of Rs.766.60  
contravening the provisions of Rule 11 of book of  
B.O Rules and thereby failed to maintain absolute  
integrity as required of him in rule 17 of P&T ED  
Agents (C&S) Rules 1964.

*Ch*

2. Sri C.V.Honna Setty, while functioning as BPM Nelligere BO a/w Bellur SO from 1.12.76 to 24.4.85 had failed to pay the MO amounts of the Nagamangala TB Extn. M02700/45, 2700/49, 2700/34 dated 30.3.1985 for Rs.50/- each to payees on the dates shown as paid by him in the accounts but had utilised these MOs. amounts contravening the provisions of rule 10 of book of BO Rules and thereby failed to maintain absolute integrity as required in rule 17 of EDAs (C&S) Rules 1964.

The applicant was put off duty and an inquiry held against him by R1 in respect of the charges. R1, in his proceedings dated 15.7.85(Annexure A), held that the charges were established and imposed the penalty of removal from service on the applicant. An appeal was preferred by him to the Director of Postal Services, Bangalore (R2) who confirmed the order passed by R1(Annexure B). Aggrieved by these orders, the applicant has filed this application.

2. Sri U.P.Nayak, learned counsel for the applicant, contends that R1 erred in assuming that his client had admitted the guilt. Even taking it to be so, R1 has considered the merits of the case in detail and passed the order at Annexure A. We, therefore, find no substance in this contention.

3. Sri Nayak next contends that R1 should have accepted the explanation given by his client regarding the first charge that he went to Yediur on 20.4.85 to see a former Extra Departmental <sup>Underweight</sup> Delivery Agent(EDDA), who was <sup>un</sup>healthy. At that time, he was having office cash to the tune of about Rs.1000/- with him; that he came to know at Yediur that the EDDA was shifted to Bangalore for better treatment; that he wanted to see the EDDA at Bangalore itself; that he was waiting near the bus stand when somebody pickpocketed his purse and all the money was lost.

4. Sri M.V.Rao, learned counsel for the respondents, submits that on the facts and circumstances of the case R1 rejected the version put forward by the applicant regarding the loss of money and there is no valid ground for contesting the view taken by R1, which was confirmed by R2.

CJ

5. We have given careful thought to the matter. R1 in his order, has observed: "The amount of shortage noticed by SDI(P) was more than the balance held at the close of the day immediately before the so-called pick-pocket episode. The official has no explanation about the shortage in excess of the said balance. If at all pick-pocket took place, as stated by the applicant it was up to him to establish it with evidence which he has not done and therefore his version cannot be given any credence." R1 has given cogent reasons for rejecting the explanation given by the applicant and R2 in appeal confirmed the same.

6. Turning to the second charge, the explanation given by the applicant is that he was compelled by circumstances to utilise the amounts payable to old age pensioner(OAP) by M.I. R2, while confirming the finding of R1 that the second charge was established, observed :

"The argument of the official is that the OAP MO payees never complained of non-payment against him to the SDI(P). On the other hand they had all helped him in making good the shortage of cash in the Post Office. Whatever be the case, the fact remains that he committed misappropriation of departmental funds for a long period. .... moral turpitude is involved and continuance of such an official in the department would tarnish the fair name and image of the Department in the eyes of the public."

We do not find any fallacy in the reasoning adopted by R2.

7. Sri Nayak lastly contends that the penalty imposed on his client by R1 is excessive. In the circumstances of the case, the penalty imposed by R1 having been confirmed by R2, we are not persuaded to vary the same.

8. In the result, the application is dismissed. No order as to costs.

Ch. N. Nayak  
MEMBER(J) 25.2.87

MEMBER(A) 25.2.87

AN.