

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, 16 BENCH

OA/TA/RA/CP/MA/PT 216 of 2090

 Verma..... Applicant(S)

## Versus

...Applicant(S)

..... Respondent(S)

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Certified that the file is complete in all respects.  
B&C file scanned and destroyed ✓

Signature of S.O.

Signature of Deal. Hand

Central Administrative Tribunal  
Lucknow Bench

INDEX SHEET

Cause Title On 21/1/93 of 1993

Name of the parties Applicant -----Applicant  
versus  
Respondents. -----Respondents.

Part A E.C.

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For the Sub-Committee.

C.A. B.A.

(A)

9/7/70

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Registration No. 216 of 1980 (4)

APPLICANT(S) V. K. RAM V. RAMA

RESPONDENT(S) C.L.

| <u>Particulars to be examined</u>  | <u>Endorsement as to result of examination</u> |
|--|--|
| 1. Is the appeal competent ?   | YES  |
| 2. a) Is the application in the prescribed form ?  | NO   |
| b) Is the application in paper book form ?   | NO   |
| c) Have six complete sets of the application been filed ?  | NO   |
| 3. a) Is the appeal in time ?  | NO   |
| b) If not, by how many days it is beyond time ?  |  |
| c) Has sufficient cause for not making the application in time, been filed ?   |  |
| 4. Has the document of authorisation/ Takasishnama been filed ?  | NO   |
| 5. Is the application accompanied by a.D./Postal Order for Re.50/-   | NO   |
| 6. Are the certified copy/copies of the order(s) against which the application is made been filed ?                              | NO   |
| 7. a) Have the copies of the documents relied upon by the applicant and mentioned in the application, been filed ?               | NO   |
| b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?                    | NO   |
| c) Are the documents referred to in (a) above neatly typed in double space ?   | NO   |
| 8. Has the index of documents been filed and page no done properly ?   | NO   |
| 9. Have the chronological details of representation made and the date of such representation been indicated in the application ? | NO   |
| 10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ?                     | NO   |

P.C.

Particulars to be ExaminedEndorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ? *Y*

12. Are extra copies of the application with Annexures filed ? *Y*

a) Identical with the Original ?

b) Defective ?

c) Wanting in Annexures

Ans. \_\_\_\_\_ pages Nos. \_\_\_\_\_ ?

13. Are the file size envelopes bearing full addresses of the respondents been filed ? *NO*

14. Are the given address the registered address ? *Y*

15. Do the names of the parties stated in the copies tally with those indicated in the application ? *Y*

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? *NA*

17. Are the facts of the case mentioned in item no. 6 of the application ? *Y*

a) Concise ?

b) Under distinct heads ?

c) Numbered consecutively *Y*

d) Typed in double space on one side of the paper ?

18. Have the particulars for interim order prayed for indicated with reasons ? *Y*

19. Whether all the remedies have been exhausted. *Y*

dated/

25.7.1990

Ho Justice K. Nath, V.C.  
Hon. Mr. K. Obayya, A.M.

Admit. Issue notice. Counter may be filed within 4 weeks, rejoinder within 2 weeks thereafter. List before D.R. on 19.9.1990 for fixing a date. Prayer for interim relief is rejected.

Sd/-  
A.M.  
r.m./Sd/-  
V.C.

or  
notice given  
on  
1-8-90  
SOL

26/9/90

Mr. Justice K. Nath, V.C.  
Hon. Mr. K. Obayya, A.M.

Summons issued for the applicant. Courts has not been filed on behalf of the respondent now appearance has been made today.

The case may be listed for ex parte first hearing on 22/11/90.

A.M.

V.C.

OR Notices issued in very  
10.20 in morning  
NO C.R. filed. back

S.P.M.

L  
20/11

1/2

Hon. Mr. Justice K. Nath, V.C.  
Hon. Mr. M. M. Singh - A.M

On account of the absence of Sri P.C. Saksena whose promotion is likely to be made prayer for adjournment is made on behalf of Advocate for hearing on 14.2.91.

M.M.  
AMon 11.2.1  
7/11

V.C.

BA 216/96

15592

Hon. Mrs. A. B. Gorthei A.M.

Hon. M. S. N. Pased SM

On the request of  
Learned Counsel for the applicant.  
Case is adjourned to -27-5-92.

S.M

2  
AM.

11. S. C.

No. 51119 of D. m. a. g.  
for 23.9.9 -

22.9.92

No. 81149 of 11.3.  
col'd 18.11.91

No. 500-1

R. A. Larkum  
will tell today.

—  $\hat{f}_1 + \hat{f}_2$  —

1

1970/1982

Suppl. R.A. has  
been filed.

→ f-c.

11

14/11/92

are called cut.

Shimla is for the a

Shri M. D. Desai, L.C. for the respondents  
Shri D. Chaudhari L.C. for the respondents  
are present.

Supplementary Rejoinder. In reply to the  
Supplementary Counter <sup>of the Plaintiff</sup> has been filed  
by the ~~Plaintiff~~ <sup>Counsel for Plaintiff</sup> and a copy thereof  
has been received by the Counsel for the  
Petitioners.

List this case for hearing and disposal  
on 27/11/92

← Tim

217 - No. 216/92(L)

27/11/92 Hon. Mr. S. N. Prasad, J. M.  
Solemn Counsel for the  
Respondents is present  
Counsel for the applicant  
seeks adjournment on the  
ground of illness. List this  
case on 30/11/92 for  
hearing on a/mission.

~~Adjourned~~

J.M.

30.11.92

No. 216/92 (L) adjourned to  
4.1.93

S.F.

S.F.A.

30/11/92

4.1.93

Hon. Justice V. C. Srinivasan - V.C.  
Hon. Mr. J. Charyar - A.M.

Put on 4.1.93 for  
hearing.

S.F.  
S.M.

J.C.  
A.M.

E 2

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

Original Application No. 216 of 1990

Vikram Verma

Applicant

versus

Union of India & others

Respondents.

Shri B. Solomon Counsel for Applicant.

Dr. D. Chandra Counsel for Respondents.

Coram:

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. K. Obayya, Adm. Member

(Hon. Mr. Justice U.C. Srivastava, V.C.)

Against the punishment imposing the recovery of Rs 8250.00 vide order dated 23.4.1989 and the appellate order dated 30.11.89, the applicant has approached the Tribunal.

2. The applicant was working as Clerk and was served with a charge sheet under rule 16 of the CCS (CCA) Rules, 1965 and the charge against him was that the applicant without intervention of the H.O., pasted specimen signature of the depositor in the office specimen signature book and subsequently allowed final withdrawal of Rs 22,375.50 from the aforesaid account on the strength of the specimen signature of the depositor irregularly kept on record in the aforesaid manner and later on it was known that the withdrawal was made by some unknown person resulting in the loss of Rs 30775.50

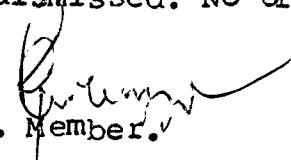
ve

In the second charge it was alleged that the applicant in similar fashion opened on transfer Kheri H.O. joint SB A/c No. 2481732 without intervention of H.O. and on 7.9.87 withdrawal of Rs 2000/- from the account so transferred by obtaining fresh specimen signatures causing loss of Rs 2000/- to the department. The applicant submitted reply. The enquiry proceeded and in the enquiry he was held guilty and punishment was awarded. He filed appeal which was dismissed.

3. The respondents have stated that it was after the authority was convinced that the applicant was responsible and the applicant cannot escape the responsibility and that is why the apportioning of liability of this amount on him. According to the respondents, they came to the conclusion that in view of the fact that the applicant pasted specimen signature and without instructions from transferring post office with regard to the specimen signature of the depositor, the withdrawals should have been allowed after proper identification of the depositor.

4. The learned counsel for the applicant strongly contended that in this case various persons were involved and these persons should have been proceeded against together. Undoubtedly, on various levels, certain other persons were involved and every one was responsible for his own action and it was not necessary that the enquiry should have been proceeded against each and every one. The learned counsel for the applicant then contended

that in view of the provisions of law, liability of the applicant should have been fixed only for 1/4th of the amount. There is clear statement by the respondents that the apportioning was made and that is why liability has been fixed. There is no challenge by the applicant even in the memo of appeal. There is no ground for interference in this case and accordingly, the application is dismissed. No order as to costs.

  
Adm. Member.

  
Vice Chairman.

Shakeel/-

Lucknow: Dated 7.1.93.

Vikram Verma

O.A. No. 1000 of 1990

Union of India & Others

**ANNEXURE No. A**

## भारतीय काल विषय

ਫਾਈਲ ਨੰਬਰ ੬੦੫-੬੮-੬੮/੮੭-੮੩/ਕਿਸ-7  
ਦਿਨ: ੨੩.੪.੧੯੯

— 10 —

श्री विक्रम वसा डाक बडापाल श्रीरो मुख्य डाकघर को केंद्रीय सिविल सेवा। वर्गीकरण, विवरण, और अपील जियापावली 1960 के बियम 16 के अन्तर्गत अधिकार अधिकार ददावार ने लालंगों का एक विवरण, इस वार्तालय के द्वापर अंत्य सम दिनांक 1.3.89 द्वारा दिया गया था जो उन्हें दिनांक 2.3.89 को, प्राप्त हुआ। उस पर तभाये लालंगों का विवरण निम्न है:-

यह फि उक्त श्री विश्वम वर्मा ने दिनांक 27.2.87, 15.6.87, 31.8.87, 7.9.87 ली आउन्टर डाल सहायक बदत बैंक पत्रिया के बतार फार्ड फरते हुए विश्वम गम्भीर अद्वितीय रूप से बताया है।

॥७॥ यौ० गौ० बा० ५ खाता टीडी खाता खंड्या २१२६ फी पासबुफ व अन्तरण  
का ग्रावेदन पत्र एसबी-१०। बी।, यौ० बा० ग्रौ० करक जा० उप डाकघर से पत्रिया उप  
डाकघर को अन्तरण केतु दिनांक २७.२.८७ को प्राप्त फी। अन्तरण हेतु छीरी  
मुख्य डाकघर फ्रेग्ने पे यूं ही पत्रिया उप डाकघर में ५ खाता टीडी खाता खं०  
१२५८।३ के अन्तर्गत लेपर में लोत लिया तथा एसबी-१०। बी। में ख्या खाता खंड्या  
दर्ज किया। जमाकर्ता के बमूला हस्ताक्षर पासबुफ फ्रेग्ने समय ही लेपर अपने जमूला  
पुस्तक में घिपका लिए। ऐसा करके उन्होंने कान्तार बियम पुस्तक संक्ष-६ भाग-२  
के बियम ४४२ में दिये गये प्रावधानों का उल्लंघन किया।

॥ ੫॥ ਦਿਨਾਂ 15.6.87 ਨੂੰ ਭਾਗ ਆਤਾ ਹੋਣਾ 5॥੧੮ ਦੇ ਬਿਛਾਈ ਕਾਰੀ ਸੁ 22375-50 ਦੇ ਜ਼ਸਾਫਤ ਨੂੰ ਹਸਤਾਤਿਰ ਦਾ ਬਿਤਾਬ, ਤਥਾ ਬਸੂਕਾ ਹਸਤਾਤਿਰਾਂ ਦੇ ਲਿਆ ਜਾਂ ਤਥਾਂਗ ਦਿਨਾਂ 27.2.87 ਨੂੰ ਲੇਫਟ ਬਸੂਕਾ ਹਸਤਾਤਿਰ ਪੁਰਿਤਕਾ ਪਰ ਵਖਾਂ ਵਿਧਕਾ ਲਿਖੇ ਥੇ ਅੰਦਰ ਵਲੀਕੂਤਿ ਲੇਫਟ ਸੁਗਤਾਵ ਕਰ ਦਿਯਾ । ਇਹ ਤਰਫ ਇਥ ਥਾਤੇ ਦੇ ਪ੍ਰਸ਼ਾਸਨ ਵਧਾਇਆ ਸੁਲ 30775-50 ਨੂੰ ਜਿ.ਆਈ ਕਰਕੇ ਮੌਜੂਦ ਹੋ ਗਿਆ ਅੰਦਰ ਵਿਸ਼ਾਬ ਨੂੰ ਸ਼ਾਤੀ ਤਥਾਕੀ ਪਢੀ ।

2. मुछय डाकघर छीरो बंयुवत छाता बंया 2481732 की पासकु राशा अन्तरण श्रा प्रापेदन प्रभ एसकी-101वी। मुछय डाकघर छीरी के पत्रिया उप डाकघर को अन्तरण हेतु दिनांक 31.8.87 को प्राप्त की। अन्तरण हेतु छीरो मुछय डाकघर लेजें हैं पूर्व ही पत्रिया उप डाकघर में बवत छाता बं01720501-200 के अन्तर्भूत लेजर में खोल लिया तथा एहबी-101वी। में लया छाता बं01720501 दर्ज किया। जमाकर्ता के बमूला इस्तवाद्वार मुछय डाकघर के बहीं आदे पर दिनांक 7.9.87 दिन मु02000/-की लिफाई हुई को जमाकर्ता श्री राज कुमार मिश्रा जे उठें छिये ऐसके बमूला पुरतक पर धिष्ठाया और हुक्कीं बमूला इस्ताद्वारों पर इस छाते से जिकाई छरवा दी। ऐसा फरफे उठकोंबे डाकतार बियम पुरतक लाण्ड-6 माग-2 के लियन 425 व 442 में दिए गये प्रावधानों का उत्तर्धन फिरा जिससे अक्षात व्यवित इस छाते से मु02000/-की जिकाई फरफे में सज्ज हो गया और विकास की 2000/- की लाती इठानी पड़ी।

श्री विश्वम् वस्तु २ लाखों के लिए उन्होंने डाक्तार बियम् पुस्तक अ-5-6  
मा-म-2 के जियम् 425 व 442 में दिये गये प्राप्तवाक्योंका पालन बहीं किया । ऐसा  
उरके उन्होंने अपने आप में उत्तम वराध्य वराध्यता बता रहीं रही । इस तरह उन्होंने  
लेखकीय विविल सेवा अवधारणा जियमा वली 1964 के जियम् 311111111 कर उल्लंघन  
किया ।

ऋग्वेदः पैद 2 दर. .

ପାତାରାମ

ਫਿਲ੍ਹਮ ਪਾਰਿ ਨੇ ਪ੍ਰਵਾਨਗੀ ਦੀ ਪ੍ਰਾਈਵੇਟ 45 ਵਿਕਾਂ 6.3.89 ਵਾਰਾ ਅਮ੍ਰਿਤੋਂ ਵੀ  
ਪ੍ਰਤਿਲਿਪਿਆਂ ਸੁੰਗੀ , 50 ਕੋਈ ਸਮਾਨਵਿਤ ਰਿਕਾਰਡ ਵਿਕਾਂ 3.4.89 ਨੂੰ ਦੇਣਾ ਅਧਿਆਕ੍ਸ਼ ਵਿਖਾ  
ਅਧਿਆਕ੍ਸ਼ ਵਿਖਾ 3.4.89 ਵਿਖਾ ਜੋ ਇਹ ਅਧਿਕਾਰ ਮੈਂ 10.4.89 ਨੂੰ ਪ੍ਰਾਪਤ ਕੁਝ ।

५५६ श्री रामेश्वर मार्ग का अम्बिकाल मिलांक ४.४.८९ व सम्बन्धित अम्बिकाला  
का अवलोकन किया ।

री किम्ब वर्गा । ... ३ बे ५साला छीछी आता धं०५०९७५  
जो पालिया आता धं०१२५७६८ फे उठतमेत रथानान्तरित करते फे उम्बलध में उपरे  
उम्याकेदल में लिख किया है । इस धम्य इकठा विवरण, इस पर लभाये इस लांछकों  
में खट्टी है फिर पर उलम ऐ गायर्दाही वालू है ।

श्री विश्वग वर्ता के अध्ये अस्थायेक्ष्व में छह है कि उन्होंने उपरवाइयर के निवैषाकुसार जमाती के अलम हे बूबा इताकर लेकर बूबा पुरक एर विषका लिए तिरे उपरवाइयर के द्वितीयता विरत एर विषा और उन्हें छहों के गुता बिल्ली ही बया आता हैं जियुदत एरे मुक्त डाक्यर भैया और उन्हें ग्रामेश्वरे एवं पालब ग्रामा उक्ता ग्राम्य था उन्होंने ग्रामेश्वरे इतोंलेकर बहीं श्री कि उन्होंने बमन्ना कि जमाती उपरवाइयर एवं जोई विरित ली होमा । एसवी-101वी। गोक्कोवाच ज्ञाता दीक्षी आता हैं 26 विषमों ने छिन गाँ एवं वित्तिया आता हैं 123818 दर्जे लिया है जो देखें हे रफ्ट है कि उपरवाइयर के जोई श्री विषित ग्रामेश्वर बहीं लिये हैं। कि जया आग बंधा दर्जे एवं तथा मुक्त डाक्यर भैया हैं। बूबा इताकर पुरितमा में श्री बूबा अलम हे लेकर विषीरित रथा एर बहीं विषका एर ग्राम फालम में विषकाया है 1315 तार 15 अप्रैल युद्धक लाइ-6 शाम-2 के विषम 442 के अकुसार एसवी-101वी। कामे १ पालबुक मुक्त डाक्यर जो भैया देवी वार्डिए वी और विषम 442141 के अकुसार जब एसवी रितप में दर्जे एसवी-101वी। मुक्त डाक्यर के ग्राहक लोता के जब लेकर ने बया आता आता वाहिए एवं बूबा रितप जो उक्त एसवी-101वी। हे 14 मुक्त डाक्यर के जाई होती है, जो श्री बया आता बंधा दर्जे एरमा दरा, जो। उता १३ वी-101वी। जो इसी २०टी०लम्बा वाता हे तथा एटी रिस्टर में दर्जे होती है जब बूबा रितप इताकर बूबा पुरितमा में विषका जाती है इसके उपरान्त जी उक्त एसवी-101वी। आरयूरेट लिस्ट में दर्जे कर मुक्त डाक्यर वापस भेजी जाती है। परन्तु जी विषम गर्मी के बढ़ जाये पूर्व जो एर । लेया तथा ग्रामेश्वरों एवं पालब गर्मी लिया गया तबैरे वित्तिया उप डाक्यर में इस आता हे कुर्वित्योगव एरके । रास्ता यह बया ।

125818 १० दिनां 15.6.87 तो बमाछता दे दिक्षा । जामे छाडबट पर प्रदत्तुत  
जिता तब उठाहोवे अपे अपेक्षा में उपलब्ध हस्ताब्दरों दे बमाछता दे हस्ताब्दर श  
मिला । दिया दे दिलो दे जब मिला । हस्ताब्दर करे कुपरवाहर के दाख हस्ताब्दर  
मिला दे दे एवं दिया । कुपरवाहर दे मिला । अर अपने हस्ताब्दर कर वालु जिया  
तब उठाहोवे उपत आता श बोने जुगता । श ब्रह्मायमी इस्तित तेयार करे भय  
पापवृष्ट दीडी लेर तथा तमुना हस्ताब्दर जुरति रथीकृत करे क्षेत्रु कुपरवाहर के दाख  
ए । दिया । जांव खाद रथीकृत दे हस्ताब्दर कर दिये, पावती रथीद श्री राम लीड  
दीरार । शर दी आता दे हस्ताब्दर कर दिये तब उठाहोवे बमाछता दो देय उल-  
राति कु 22375-50 दो जुगता कर दिया । उठाहोवे बमुना हस्ताब्दर कुपरवाहर  
दे दाखे दे जुगता दिलो दे देये । दियाहो दे रातों । कुपरवाहर दे प्रतिहस्ताब्दरित  
कर दूंगा, जांव । जार दे जार दिये । जांव दे मिला । दे फोड़ दिलो

Adnan

ਨਾਨਾਂ ਪੇਂਡ ਤ ਪਰ.....

बही हुई और ज ही इसमें उल्लंग फोड़ दी गई है। श्री विक्रम वर्मा को यह मालूम था कि मुख्य डाकघर छीटी है एसबी-10। वी। के पाथ बमूला रिलेप बही ग्राही थी जो कि १०टी० मद्दनी जाती है जैसा कि डाकघर विषय पुस्तक छण्ड-६ शाग-२ के विषयम ४२। ४। में दिया गया है जो बमूला रिलेप पूर्व से ही लेफ्ट रखी गई थी उसकी के प्राप्तार पर विकासी कार्म पर बगे हस्ताक्षर का मिलाकर इस श्रमताक द्वितीय तरवाकर श्रमताक तर दिया। यदि उसके बमूला हस्ताक्षर मुख्य डाकघर छीटी के द्वारा प्राप्त हुए होते तो श्री विक्रम वर्मा जी के विम्बेवारी बही होती रहने वाला बमूला हस्ताक्षर उक्त जाते के अन्तरण के पूर्वही लेफ्ट रखे थे इस प्रकार वी विक्रम वर्मा के डाकतार विषय पुस्तक छण्ड-६ शाग-२ के विषयम ४२ में दिये थे प्राप्तवाक्यों का पालन बही जिया और विश्वाग जो आते पहुंचाते में योगदाता दिया दियोंकि अग्रात व्यक्ति उक्त आके के विकासी छर्के में उपलग हो गया।

श्री विक्रम वर्मा के अपने अस्थायेदार दिवांक ४.४.८९ में छहा है कि छीटी ग्राम डाकघर संयुक्त ब०४००३ा०ता १०२४८। ७३२ की साथुक अन्तरणा आयेक्षण पत्र प्राप्त दिवांक ३।८.८७ को लिया उन्होंने बुपरवाइजर के प्रतिक्रियाकारी रूप से बाहु उक्ते के बाहु उक्ते के अनुसार ही बया आता संचया एसबी-10। वी। पर दर्ज किया और बमूला रिलेप अलग से लेफ्ट बमूला हस्ताक्षर पुरितका में विष्णवाये और दिवांक ७.९.८७ को अमाकर्ता को मु०२०००/-की बिक्री उन्हीं हस्ताक्षरों के मिलाकर फर दिया। बमूला रिलेप पूर्व तारीख मौकर से छपी बहीं थी इसलिये ७.९.८७ की तारीख मुकर से छाप दी। बमूला रिलेप अमाकर्ता के दिवांक ३।८.८७ को लेफ्ट बमूला हस्ताक्षर पुस्तक पर विष्णवाये थे।

छीटी ब०४००३ा०ता संचया २४८। ७३२ के एसबी-10। वी। को देखने से उपर्युक्त है कि श्री विक्रम वर्मा जो बया आता संचया दर्ज छर्के के लिए जोई लिखित निर्देश बुपरवाइजर के बहीं हैं इसमें श्री विक्रम वर्मा के आता संचया । ७२०५०। दर्ज किया है तथा लेफ्ट में आता खोल लिया। श्री विक्रम वर्मा के बयाक दिवांक १०।१०।८७ के अनुसार उन्होंने छहा था कि अमाकर्ता के बमूला हस्ताक्षर दिवांक ०७।९।८७ को बमूला पुस्तक पर विष्णवाये जो श्री राज लुमार मिश्रा ने दिवांक ७.९.८७ को उन्हें दिये दियोंकि मुख्य डाकघर से बमूला हस्ताक्षर प्राप्त बहीं हुए हैं श्री विक्रम वर्मा के डाकता विषय पुस्तक छण्ड-६ शाग-२ के विषयम ४२। ४। में दिये थे प्राप्तवाक्यों का पालन छर्के से पूर्व ही आता अन्तरण कर लेफ्ट में आता संचया । ७२०५०। द्वारा खोल लिया और बमूला हस्ताक्षर मुख्य डाकघर छीटी के प्राप्त व होके पर दिवांक ०७।९।८७ को बमूला छर्के विष्णवा दिया और उसी बमूला छर्के ग्राम अस्थायेदार पर मु०२०००/-की बिक्री की विक्री दिया दी। यदि लग्जरा हस्ताक्षर मुख्य डाकघर के मास्यम ने प्राप्त हुए होते तो बादी विक्रीमेवारी मुख्य डाकघर की होती परन्तु यह कार्य श्री विक्रम वर्मा के ही छर लिया। उन्हें द्वारा की गई अविष्यमिताखानों के बारण विश्वाग को छिति उठानी पड़ी इस दुर्विविष्येवाक्ष में डाक तार विषय पुस्तक छण्ड-६ शाग-२ के विषयम ४२ में दिये थे प्राप्तवाक्यों छेक्के द्वारा पालन व होके से उल्लंग योगदाता रहा।

श्री विक्रम वर्मा के अपने अस्थायेदार में यह भी छहा है कि विषयम में ऐसा जोई प्राप्तवाक्य बहीं है कि अग्रात व्यक्तित जो विक्राल व दिये जायें। विषयम छहता है कि अमाकर्ता के पास पासलुक हो तथा उसके आते में बकाया हो और उपर्युक्त लेफ्ट प्राप्तवाक्य पत्र हो श्री बमूला हस्ताक्षरों से अस्थकर्ता के हस्ताक्षर मिलाके से हस्ताक्षर मिल रहे हो तो अमाकर्ता को श्रमताक फर दिया जाये बहां जाक पहुंचाव छा प्रतिबन्ध विलक्षण लहीं है। श्री विक्रम वर्मा का उल्लंग बहीं है दियोंकि,

क्रमांक ३८। ता. . . .

विक्रम वर्मा

एसबी-३ में किये गये जिब हस्ताक्षरों के बया आता छोला जाता है, उन्हीं हस्ताक्षरों के उक्त छाते के रूपया लिफाला जा सकता है। जो बमूला हस्ताक्षर मुळय डाकघर से एवबै-१०।बी। के बाब्त प्राप्त होते हैं उन्हीं बमूला हस्ताक्षर के आधार पर उक्त द्राक्षस्फर होकर ब्राप्त छाते के रूपया किया जाता है परन्तु इस मामते में बमूला हस्ताक्षर मुळय डाकघर के बाप्त छाती ही नहीं; वे पिछम यम्भी के बमूला हस्ताक्षर लेकर बमूला हस्ताक्षर पुस्तिका में चित्रण दिये और उन्हीं बमूला हस्ताक्षरों के आधार पर ही पिछमी फरदी श्री किंम यम्भी के कृष्णाबुधार वाहे पात्तबुद्ध किसी की हो रखें ही किसी भी अक्षात द्युरित के बमूला हस्ताक्षर लेकर रक्षा लिये जायं और उन्हीं के हस्ताक्षरों पर उक्त पात्तबुद्ध के लियासी फरवा दी जाय। इस प्रकार यी गई बिकाष्म भूपेत्त है और बिकाष्म विस्तृत है। यदि श्री किंम यम्भी के पात्तबुद्ध के अन्तरणा आम एसबी-१०।बी। मुळय डाकघर प्रेष दी होती रखोंकि उनके उपर्यालिय में जमानती के बमूला हस्ताक्षर लेहीं थे और मुळय डाकघर से एसबी-१०।बी। बमूला दिलप के बाब्त आती जो १०८०० माली जाती और हृद बमूला हस्ताक्षरों पर मुमताब किया जाया जाता होता तो उक्त पर कोई जिम्मेवारी लेहीं जाती नहीं एवन्तु श्री किंम यम्भी ने यह सब फार्यावाची होते से पूर्व दी लेजर ने छाते छोल लिये, बया आता संक्षया एलाठ फर दिये, बमूला हस्ताक्षर लेकर रक्षा लिये और इन्हीं पर बिकाष्मी करवा दी। इस तरक्त इस दुर्धिजियोजन में उक्ता स्पष्ट योगदाब रहा और बिकाष्मी का बालब करने में अस्त्रम रहे। ऐसा करके उन्होंने फैन्ड्रीय सिविल एवा प्रावरणा। जियमायली १९६४ के जियम ता।।।।।।।। का स्पष्ट उल्लंघन किया। उक्त पर लमापे लांचल पूर्णतया दिया है इसलिए पत्रिया ५०५०आता संक्षया १७२०५०। में मु०२०००/- के राति पूर्ति के लिये इन्हें ५००/- के लिए जिम्मेवार ठहराया जाता है, तथा एलिया टी० डी०आता सं०१२५८।८ मेंमु०३०७७५-५० के राति पूर्ति के लिए इन्हें ७७५०/- के लिए जिम्मेवार ठहराया जाता है।

अदेशः

ਮੁੰ ਦਿਆਰਾ ਨ ਅਥੀਲਕ ਟਾਕਾਈ ਛੀਰੀ ਸਣਕਤ, ਛੀਰੀ ਸ਼੍ਰੀ ਬਿਲਮ ਬਰਮਾ ਟਾਕ  
ਦਾ ਯਕ ਛੀਰੀ ਮੁਲਾਂ ਕਾਫ਼ੀ ਕੇ ਪੇਤਾਨ ਹੈ ਮੁ08250/-। ਆਠ ਹਜ਼ਾਰ ਦੋ ਸੌ ਪਲਾਈ ੮੦।  
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ਪ੍ਰਥੀਲਕ ਤਾਕਾਫਰ,  
ਛੀਂਦੀ ਸੁਹਾਡਾ, ਛੀਂਦੀ-262701

प्रतिलिपिः-

1. ਬੀ ਪਿਛੇ ਪਸੰਦ ਕਾਨ ਸਹਾਇ ਕੀਂਦੀ ਹੋਂਦੀ
2. ਅਫ਼ਾਤ ਭੀ ਰੀ
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5. ਹੱਡ ਰੋਹਟੂਰ
6. ਸਾਰਾਂਤ੍ਰਿ ਗੁਰੂ
7. ਕੁਤਿਰਾਂ ਗੁਰੂ

Atesied

True copy  
M. Dubay  
Body

Padmanabha

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW  
O.A. No. of 1990

Vikram Verma

versus

Union of India & Others

ANNEXURE No. A-2

OFFICE OF THE DIRECTOR POSTAL SERVICES  
LUCKNOW REGION: LUCKNOW- 226007

Memo No. RPL/App-161/89/13 dated at Lucknow: 30.11.89  
\*\*\*\*\*

This is the appeal dated 16.6.89 preferred by Sri Vikram Verma PA Kheri H.O. against the punishment orders of recovery of Rs8250/- in monthly instalments of Rs250/- each imposed upon him vide CPCs Kheri memo No.F-6/87-88/Disc-7 dated 28.4.89 served upon him on 6.5.89. The appeal is thus not timebarred.

2. In the disciplinary proceedings initiated against him u/R 16 of the CCS (CCA) Rules 1965 vide SPOs Kheri memo number even dated 1.3.89 the appellant was charged for violation of the provisions of rule 425 and 442 of P&T Man Vol VI Part II and rule 3(1)(ii) of the CCS (Conduct) Rules 1964 by alleging that while working as SB counter assistant Pallia SO. the appellant opened on transfer Golagokarannath TD A/C no.2126 without intervention of the H.O., pasted specimen signature of the depositor in the office specimen signature book and subsequently allowed final withdrawal of Rs22375.50 from the aforesaid account on the strength of the specimen signature of the depositor irregularly kept on record in aforesaid manner. Later on it was found that the withdrawal was made by some unknown person resulting in the loss of Rs30775.50. In the second charge it was alleged that the appellant in the similar fashion opened on transfer Kheri H.O. joint SB A/c No.2481732 on 31.8.87 without intervention of H.O. and on 7.9.87 allowed a withdrawal of Rs2000/- from the account so transferred by obtaining fresh specimen signatures causing a loss of Rs2000/- to the department.

3. The appellant vide his application dated 6.3.89 demanded inspection of certain documents which were shown to him on 3.4.89. The appellant submitted his written statement of defence dated 8.4.89 which was duly considered by the disciplinary authority alongwith the memo of charges and other facts of the case before arriving at a conclusion that the charges were proved against the appellant resulting in the award of the penalty appealed against.

4. I have carefully gone through the contents of the appeal and material evidence on record in the disciplinary proceedings file and have arrived at the following conclusions with regard to the arguments of the appellant.

(i) The plea that the charge sheet is vague is misconceived and not tenable. Infringement of rule 425 & 442 of P&T Man Vol VI Part II has been rightly alleged and found proved beyond any doubt.

(ii) The appellant has expressly admitted that there have been lapses in opening the accounts on transfer but has tried to blame H.O. and the S.P.M. for not challenging the procedure adopted in transfer of the accounts. In view of these facts the appellant cannot be absolved of his responsibilities. Once it is established that the withdrawals have been made on the strength of the specimen signatures kept on record in contravention of the rules on the subject liability for the loss, if any, is to be shared by all the officials responsible for their lapses.

193/957

(iii) In view of the above discussions there is absolutely no justification to intervene in the punishment.

5. I, therefore, hereby, reject the appeal of the appellant and confirm the penalty already imposed on him vide SPOs Kheri Division memo referred to above.

( B.P.Singh )

Director Postal Services,  
Lucknow Region: Lucknow-226007

Copy to:

1. The official concerned.  
2 to 4 SPOs Kheri.  
5 to 6 Office copy and spare.

\*KML\*

Fazlani

Entered  
one copy  
M. Dikshy  
BW

वादी अपीलान्ट

प्रतिवादी [रेस्पान्डेन्ट]

श्री Vikram Verma वकालतनामा

(टिकट)

वादी (अपीलान्ट)

Vikram Vermaबनाम U.O. <sup>and others</sup> प्रतिवादी (रेस्पान्डेन्ट)

मुकदमा नं०

सन्

पेशी की ता०

१६

ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

High Court Lucknow + M. Dulay, Adv. वकील <sup>4th</sup>  
Lane, Nausainya, Ganeshganj, Lucknow महोदय  
एडवोकेट

|        |     |        |
|--------|-----|--------|
| बादलत  | नाम | बनाम   |
| मुकदमा | नाम | फर्मिन |

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें ज्ञा कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विषक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (हस्तखती) रसीद लेवें या यांच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वशा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजा रहूँगा अथवा मुकदमा अदम पैरवी में एक तरफ मेरे विनाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर Vikram Verma

Received साक्षी (गवाह)  
V. B. S. (लाइन) 27.  
दिनांक महीना

साक्षी (गवाह)  
6 सन् १९७५

2) M. Dulay  
M.D.V.

Vikram Verma

versus Union of India & Others

ANNEXURE No. A-3

(19)

भारतीय डाक-तार पिभाग

कार्यालय डाक अधीक्षक, खीरी मण्डल, खीरी - 262701

ज्ञापन संख्या २५४७४४/टिस-१-३-८९

१. श्री विक्रम वर्मा..... जिस कार्यालय में कार्य कर रहे हैं को सतद्वारा सूचित किया जाता है कि केन्द्रीय सिविल सेवा व वर्गीकरण नियंत्रण- और अपील व नियमावली १९६५ के नियम १६ के अन्तर्गत उसके विरुद्ध जाँच करने का प्रस्ताव किया गया है अवधार अथवा कदाचार के लाभों का एक वितरण संलग्न है जिसके सम्बन्ध में ऐसा उपर उल्लेख है कार्रवाई करना प्रस्तावित किया गया है।

२. श्री विक्रम वर्मा..... जो इस प्रस्ताव के विरुद्ध अपनी इच्छा अनुसार अभ्यावेदन प्रस्तुत करने का अवसर प्रदान किया जाता है।

३. दीवि श्री विक्रम वर्मा..... अपना अभ्यावेदन इस ज्ञापन की प्राप्ति के १० दिन के अन्दर भेजने में असफल रहते हैं तो वह मान लिया जाएगा कि उसे कोई अभ्यावेदन नहीं देना है और श्री विक्रम वर्मा..... के विरुद्ध एक प्रष्ठों पर ही प्रतिरक्त कर दिया जाएगे।

४. इस ज्ञापन की पावती श्री विक्रम वर्मा... हारा भेजी जाए।

डाक अधीक्षक,  
खीरी मण्डल,  
खीरी - 262701

पंजीकृत पावती सहित

सेवा में,

श्री विक्रम वर्मा  
..... डॉ. सुदूरप्रबा  
..... वर्मा

जोशी/

Faint

Noticed

True copy

M. D. M. (C)

श्री विक्रम वर्मा, डाक बहायक छीटी प्रधान डाकघर के विस्तृ विवरित  
प्रावधार अवधार बहायक द्वायार के लाभों का विवरण

यह कि उक्त श्री विक्रम वर्मा के दिनांक 27.2.87, 15.6.87,  
31.8.87, 7.9.87 को छाड़बटर डाक बहायक बहत बैंग पत्रिया के बतौर  
कार्य करते हुए बिन्दु गस्त्रीर श्रुटियों को करके कुर्स विश्वासीय नियमों का  
उल्लंघन किया।

1। (१) गोकरण बांध 5 साला टी.डी. आता संख्या 2126 की पासबुक  
व अन्तरण का प्राप्तेदन पत्र एसबी-१०। बी।, गोकरण बांध उप डाकघर  
से पत्रिया उप डाकघर को अन्तरण हेतु दिनांक 27.2.87 को प्राप्त ही।  
अन्तरण हेतु छीटी मुछ्य डाकघर फैज़ाने से पूर्व ही पत्रिया उप डाकघर में  
5 साला टी.डी. आता संख्या 125818 के अन्तर्गत लेफर में खोल लिया तथा  
एसबी-१०। बी। में लिया आता संख्या की किया। जमानती के बमूला हस्ताक्षर  
पासबुक फैज़े समय ही लेफर अपने बमूला पुस्तक में चिपका लिए। ऐसा करके  
उन्होंने डाकतार नियम पुस्तक छांड-6 भाग-2 के नियम 442 में दिये गये  
प्रावधारों का उल्लंघन किया।

2। (२) दिनांक 15.6.87 को उक्त आता संख्या 125818 के बिकासी फार्म  
मु० 22375-50 के जमानती के हस्ताक्षर का मिलाक, उन बमूला हस्ताक्षरों से  
किया जो उन्होंने दिनांक 27.2.87 को लेफर बमूला हस्ताक्षर पुस्तिका पर  
सवयं चिपका लिये थे और सवीकृति लेफर प्रमताक कर दिया। इस तरह  
इस आते हैं अज्ञात द्यरित कुल ३०७७५-५० की बिकासी करके में सफल हो  
गया और विश्वास को लित उठानी पड़ी।

2। (३) मुछ्य डाकघर छीटी संमुख बहत आता संख्या 2481732 की पासबुक  
तथा अन्तरण का प्राप्तेदन पत्र एसबी-१०। बी।, छीटी मुछ्य डाकघर से  
पत्रिया उप डाकघर को अन्तरण हेतु दिनांक 31.8.87 को प्राप्त ही।  
अन्तरण हेतु छीटी मुछ्य डाकघर फैज़ाने से पूर्व ही पत्रिया उप डाकघर में  
बहत आता संख्या 172050। के अन्तर्गत लेफर में खोल लिया तथा एसबी-१०  
। बी। में लिया आता संख्या 172050। की किया। जमानती के बमूला हस्ताक्षर,  
मुछ्य डाकघर से बहीं अपने पर, दिनांक 7.9.87 प्रिय स दिन मु० 2000/-  
की बिकासी दुई, जो जमानती श्री राज कुमार मिश्रा के उन्हें दिये जिन्हें  
बमूला कुशल पर चिपकाया थे इन्हीं बमूला हस्ताक्षरों पर इस आते से  
बिकासी करवा दी। ऐसा करके उन्होंने डाकतार नियम पुस्तक छांड-6  
भाग-2 के नियम 425 व 442 में दिये गये प्रावधारों का उल्लंघन किया  
जिससे अज्ञात द्यरित इस आते से 2000/- की बिकासी करके में सफल हो  
गया और विश्वास को 2000/- की लित उठानी पड़ी।

श्री विक्रम कर्मा पर लांचन है कि उन्होंने 5A छतार बियम पुस्तक लाण्ड-6 भाग-2 के जियम 425 व 442 में दिये गये प्रायणागों का पालन बहीं किया। ऐसा फर्जे उन्होंने उपरे फार्म में छतार य परायणाता बबाये बहीं रखी। इस तरह उन्होंने केन्द्रकीय बियमाला भावरणा बियमावली 1964 के बियम 3.1.1.1.1. का उल्लंघन किया।

विक्रम कर्मा

बियम 5A  
उपरी भाग

गोरी मण्डल, बीरी-262701

Mr. D. K. M.  
M. D. M.  
M. D. M.

Vikram Verma

versus

Union of India & Others

ANNEXURE No. A

(22)

A31

सेवा में,

अधीक्षक डाक्थर,  
हीरी मण्डल,  
हीरी ।

विषय: केन्द्रीय सीमिल सेवा दूसी सी सस्तीनियंत्रण और अपील ३५  
नियम १९६५ ।

संदर्भ: आपका पत्र सफ-6/87-88/डिस-7 दिनांक १-३-८९ ।

मान्यवर,  
आपके द्वारा मेरे ऊर लगाये आरोपों के संदर्भ में मेरा प्रतिवेदन विन्दुवार निम्न है :-

१-क दूसरे ऊर यह आरोप लगाया गया है कि गोला गोकर्ण नाय ५ साला टी०डी० छाता सं० २१२६ की पातबुक व अन्तरण का आवेदन पत्र गोला उप डाक्थर से पीलया उप डाक्थर के अन्तरण  
देतु छिनांक २७-२-८७ को प्राप्त की । अन्तरण देतु हीरी मुख्य-डाक्थर भेजने से पूर्व ही पीलया उप डाक्थर से ५ साला टी०डी० छाता सं० १२५८१८ के अन्तरगत लेजर से होल पीलया तथा १११०८ पर नया छाता दण किया जमाकर्ता के नमूना हस्ताक्षर पातबुक भेजते समय ही लेकर अपने नमूना पुस्तक पर चिपका लिए । इस सम्बन्ध में हमें निम्न कहना है :-

२- दिनांक ४-८-८६ को ५ साला सावधि छाता संख्या-१२५८१८ के खातेदार ने अपना अन्य ५ साला हीरी छाता संख्या-५०९७५ पीलया को १२५८८ के अन्तरगत स्थानान्तरित कराया था जिसके स्थानान्तरण की सभी प्रीवीट्ट्यां श्री रामलौट सोनार हुआ वाइजर पीलया द्वारा अपनी हस्तालिपि से की गयी थी और उन्होंने स्वयं नमूना हस्ताक्षर पुस्तक पर जमाकर्ता श्री कै०पी० मिश्र के हस्ताक्षर कराकर उन्हें प्रीत हस्तान्तरित किया था । यह छाता हीरी से पीलया द्रान्तपर होकर आया तदूपरान्त दि० १७-७-६६ को यह छाता श्री राम लौट सोनार के सुपरीक्षण में अन्तम सा से बन्द कर दिया गया था ।

३- दिनांक २७-२-८७ को गोला ५ साला टी०डी० छाता सं० २१२६ की पातबुक तथा स००बी०-१०बी श्री राम लौट सोनार द्वारा प्रीतहस्ताक्षरित प्राप्त हुआ भैने सुपर वाइजर के निर्देशानुसार जमाकर्ता के अलग से नमूना हस्ताक्षर लेकर नमूना पुस्तक पर चिपका लिए जिसे सुपर वाइजर ने प्रीतहस्ताक्षरित कर दिया भैने इस पर आषीत्त इसीलिए नहीं की क्यों कि सुपरवाइजर साहब से जमाकर्ता के हस्ताक्षरों को प्रीतहस्ताक्षरित किया था इसीलिए भैने समझा कि जमाकर्ता सुपरवाइजर का कोई परिवेत ही होगा । जहाँ तक नया छाता नियुक्त करने का सवाल है तो इस सम्बन्ध में मेरा कहना है कि मुझे सुपर वाइजर ने ही नया छाता संख्या नियुक्त करके भेजने को कहा था और उनके आदेशों का पालन करना भी मेरा कर्तव्य था । इस प्रकार भैने इसमें किसी भी नियम का उल्लंघन नहीं किया है ।

४- दूसरे ऊर आरोप लगाया गया है कि दि० १५-६-८७

लिया :- -----२

विक्रम वर्मा

को उक्त खाता संख्या 125818 के निकासी फार्म मु0 22376-50 के जमाकर्ता के हस्ताक्षर का मिलान उन नमूना हस्ताक्षरों से किया जो उन्होंने दि0 27-2-87 को लेकर नमूना हस्ताक्षर पुस्तक पर स्वर्य चिपका लिए थे और स्वीकृत लेकर भुगतान कर दिया इस सम्बन्ध में हमें कहना है कि-:

2- दिनांक 15-6-87 को 5 साला टी0डी0 खाता संख्या- 125818 का जमाकर्ता काउन्टर पर आया और निकासी फार्म प्रस्तुत किया लेकर मैं अपने अभिभौतिक भैं उपलब्ध हस्ताक्षरों से जमाकर्ता के हस्ताक्षर का मिलान किया जो मिलते थे तब मैंने मिलान के हस्ताक्षर करके सुपरवाइजर के पास हस्ताक्षर मिलाने का रख दिया जब सुपरवाइजर ने जमाकर्ता के हस्ताक्षरों को मिलाकर अपने द्वारा प्रतिश्वस्ताक्षीरत करके वापस किया तब मैंने उक्त खाता का अन्तिम भुगतान का अदायगी अधिपत्र तैयार करके मय पातबुक टी0डी0 लेजर तथा नमूना हस्ताक्षर पुस्तक पास करने हेतु सुपरवाइजर के पास रख दिया । सुपरवाइजर साड़ब ने जांधा और पास करके सभी अभिभौतिकों के साथ वापस कर दिया तब मैंने जमाकर्ता से पावती रसीद भरने के लिए कहा तब श्री राम लौट सोनार ने अपनी हस्तालीष के पावती रसीद भर दी और जमाकर्ता ने पावती रसीद पर हस्ताक्षर कर दिये तब मैंने जमाकर्ता को देख घराँश मु0 22375-50 का भुगतान कर दिया । मैंने जमाकर्ता के नमूना हस्ताक्षर स्वर्य लेकर नहीं चिपकावे थे बरील्क सुपरवाइजर नेमु-झैस कहा था कि आप जमाकर्ता के नमूना हस्ताक्षर अलग से लेकर चिपकावें जिन्हें मैं प्रति हस्ताक्षीरत कर दूँगा । तब मैंने ऐसा किया था और उन्होंने जमूना हस्ताक्षरों को प्रति हस्ताक्षीरत कर दिया था इस बाकार मेरे द्वारा किये गये कार्य ने हमेशा ग को कोई क्षीत नहीं हुई है और न ही इसमें मेरा कोई दोष है ।

2- मेरे अमर दूसरा आरोप यह है कि मैंने छीरी प्र0डा0 संयुक्त ब0डै0 खाता सं0 2481732 की पातबुक अन्तरप आवेदन पत्र छीरी से पीलिया अन्तरप हेतु दिनांक 31-8-87 को प्राप्त की । छीरी अन्तरप हेतु मैंने से पूर्व ही पीलिया उप डाक्थर मैं ब0डै0 खाता सं0 1720501 के अन्तर्गत खोल लिया और सर0बी0-10बी पर नया खाता दर्ज करके पातबुक छीरी भेज दी । जमाकर्ता के नमूना हस्ताक्षर मुख्य डाक्थर से न लिया गया पर दि0 7-9-87 को जिसे मु0 200/- की निकासी हुई हुई थी श्री राज कुमार मिश्र ने उन्हें दिये जिन्हें नमूना पुस्तक पर चिपकाया और इन्हीं नमूना हस्ताक्षरों पर इस खाते से निकासी करवा दी इस सम्बन्ध में हमें निम्न कहना है -:

2-1 आपके आरोप नं02 में भी मेरा उपरोक्त स्पष्टीकरण समझा जाये । मैंने दि0 31-8-87 को जमाकर्ता के नमूना हस्ताक्षर नमूना हस्ताक्षर पुस्तका पर चिपकाये थे जो जमाकर्ता ने अलग से दिये थे दिनांक 7-9-87 को जमाकर्ता ने मु0 200/- के भुगतान हेतु विहाल फार्म भर कर दिया तब मैंने जमाकर्ता के हस्ताक्षरों को नमूना हस्ताक्षर पुस्तक से मिलान किया तो पाया कि नमूना हस्ताक्षर पुस्तक पर नमूना हस्ताक्षर ब0डै0 की मोहर से नहीं क्टे हैं तब मैंने दि0 7-9-87 की ब0डै0 की मोहर नमूना हस्ताक्षर पुस्तक पर लगा दी जिससे सावित हो रहा

ग्रन्थ: -----3

निकासी

है छिक दिनांक 7-9-87 को नमूना हस्ताक्षर लिए गये हैं परन्तु ऐसा नहीं हुआ वास्तव में नमूना हस्ताक्षर जमाकर्ता से दिन 31-8-87 को ही लेकर के जमूना हस्ताक्षर पुस्तक पर धिपकाधे गये थे।

जहाँ तक अज्ञात व्यक्ति को दिन 7-9-87 को 2000/- का भुगतान करने का आरोप है तो मुझे कहना है कि नियम में ऐसा कोई प्रावधान नहीं है कि अज्ञात व्यक्ति को विवृताल न किये जायें नियम फलता है कि जमाकर्ता के पास पासबुक हो तथा उसके खाते में बकाया हो और साथा नियालने का प्रार्थना पत्र हो और नमूना हस्ताक्षरों से जमाकर्ता के हस्ताक्षर मिलाने से हस्ताक्षर मिल रहे हों तो जमाकर्ता को भुगतान कर दिया जाये। यहाँ जनन-पद्धति का प्रतीतबन्ध बिल्कुल नहीं है।

अतः ऐसी दशा में यह आरोप नियम विस्तृत तथा असंगत है। अतः मेरे अमर लगाये गये समस्त आरोप असत्य और निराधार हैं इस लिए आप के प्रार्थना है कि मेरे ताथ न्याय करते हुए मुझे दोषमुक्त करने की कृपा करें।

मार्गी,  
१५/९/१९८८

॥ विक्रम कमाई ॥  
डाक सहायक, खीरी प्र००८००.

विक्रम कमा

Mr. K. K. Mehta  
True Copy  
M. D. D. M.  
V.H.W

Vikram Verma

versus

Union of India & Others

ANNEXURE No. A-b

(b) *Manner in which charge-sheet to be framed.*—As is well known the penalty of recovery from pay is a special type of penalty which cannot be awarded in all types of misconduct. Rule 11 (3) of the C.C.S. (C.C.A.) Rules, 1965, clearly prescribes that the penalty of recovery from pay of the whole or part of the loss caused by the Government servant to the Government by negligence or breach of orders on his part can be awarded to him. Thus, the rule itself makes it clear that this penalty can be awarded only in a case where it has been established that the negligence or breach of orders on the part of a Government servant has led to the loss to the department. Instructions were also issued in the past bringing the special provision of the rule to the notice of all concerned, but it has been observed that the requirement of the rule could not be properly appreciated by most of the disciplinary authorities. In a recent Court case, an order of penalty of recovery has been set aside on the ground that the disciplinary authority merely established certain lapses on the part of the Government servant without explaining the facts leading to the loss and the manner in which the lapses on the part of the Government servant had a link with the loss sustained by the department. No appeal has been filed in this case as it was found that it would not be possible to sustain the order of the penalty of recovery which was not consistent with the rule referred to above. A number of frauds or misappropriations are committed and it is not always possible to recover the entire amount of loss from the real culprit. In some cases, it is not even possible to locate the real culprit and accordingly it becomes impossible to take action against the subsidiary offenders with the primary object of recovering loss sustained by the department. It should be clearly understood by all the disciplinary authorities that while an official can be punished for good and sufficient reasons, the penalty of recovery can be awarded only if the lapses on his

part have either led to the commission of the fraud or misappropriation or frustrated the enquiries as a result of which it has not been possible to locate the real culprit. It is, therefore, obligatory that the charge-sheet should be quite elaborate and should not only indicate clearly the nature of lapses on the part of the particular official but also indicate the *modus operandi* of the frauds and their particulars and how it can be alleged that but for the lapses on the part of the official, the fraud or misappropriation could be avoided or that successful enquiries could be made to locate the stage at which the particular fraud had been committed by a particular person. This will enable the accused not only to submit a defence against the allegation brought against him but also to explain how the lapses had not contributed to the loss in any manner. The disciplinary authority is also required to give a clear finding in the punishment order on both these points. If it is not done, the order, awarding the penalty of recovery will be liable to be set aside. The Heads of Circles and Administrative Offices etc., are requested to bring these instructions to the notice of all concerned so that the disciplinary proceedings for a penalty of recovery may not suffer from a procedural flaw.

[D.G., P & T No. 114/176 78-Disc. II, dated the 13th February, 1981.]

(c) *Monetary limit.*—It is clarified for the information of all concerned that recovery from pay as a punishment for any pecuniary loss caused by a Government servant by negligence or breach of orders should not exceed one-third of basic pay (i.e., excluding dearness pay or any other allowances) and should not be spread over a period of more than

*Reghat*

*Attested*  
*True copy*  
*M. Dikshit*  
*1/2/19*

Vikram Verma

versus

Union of India & Others

ANNEXURE No. A-7

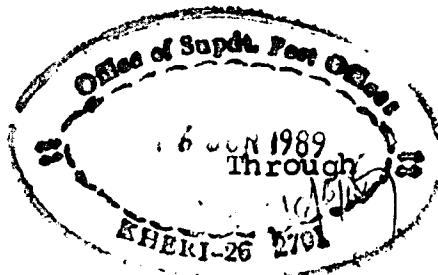
166/4

26

To

The Director,  
Postal Services,  
Lucknow Region,  
LUCKNOW

Proper Channel.



Subject:- APPEAL AGAINST PUNISHMENT OF RECOVERY IMPOSED  
VIDE S.P.Os. Kheri No. F-6/87-88/Visc.-7.

Sir,

1. The humble appellant begs to submit an appeal against the above punishment with a hope that due justice will be done to the appellant considering the points of appeal as put up in the following paras:-
2. The brief history of the case is that Gola Gokaran Nath P.O. T.D. a/c No. 2126 & Kheri Head Office S.B. a/c No. 2481732 were sought to be transferred to Palia P.O. where the appellant was working as counter-clerk. The P.B. & S.B. 10 B in reg. of them were received at Palia P.O. on 27.2.87 & 31.8.87 respectively. Both the accounts were opened on the above dates, and P.B. & S.B.10 were sent to the Kheri H.O. for effecting transfer as per procedure prescribed for H.O. in the relevant rules. The former a/c was allotted the new a/c No.125818, and the latter a/c No.1720501. The H.O. completed the transfer but did not return the S.B.10 to Palia P.O., because the specimen signature on S.B.10 B tallied with those on SB 3 of the H.O. Neither the appellant nor the S.P.M.Palia could question the specimen signature obtained at Palia on the date of ~~entertaining~~ the transfer, because the Kheri H.O. did not communicate any difference between the specimen signature available on S.B. 10 B and on S.B.3, and because the relevant S.B. 10 B was signed by the depositor before the S.P.M. who obtained extra specimen signature, and got it pasted on S.S. Book of Palia duly countersigning both the signatures. It makes amply clear

*forward*

that specimen signature on S.B.-3 of H.O., on S.B.10 B and on Specimen Signature Book of S.O. tallied in all respects beyond question, and any withdrawal effected on the basis of compared signature of withdrawal forms with the specimen signature on S.S.Book cannot be termed fraudulent. Unfortunately, the depositor withdrew the amount of former on 15-6-87 in four months after opening, and the latter on 7-9-87 in 7 days after opening. One more a/c No. 1719987 opened on 17.7.86 at Palia S.O. of the self same depositor was current on the date of the payment. In these circumstances the identity of the depositor could not be doubted by any reasonable person working as P.A. or by the S.P.M. He was allowed cheque facility also. In view of the above facts also the identity of the depositor could not be questioned because withdrawals were allowed.

Now, coming to the charges the appellant has been alleged to have violated Rule 425 & 442, and Rule 31(ii) of C.C.S. (Conduct) Rules, 1964. Rule 425 is a comprehensive Rule which to be observed by H.O. & S.O. alike, while Rule 442 is divided in so many parts, and is to be observed by the H.O., and in accordance with the phraseology of the parts relates to the procedure. Thus the charge sheet is not specific.

The appellant very humbly admits with due honesty that there has been a lapse in procedure of opening the accounts mentioned in the charge sheet, but the procedure has not been challenged by the H.O. In fact, the ~~Superintendent~~ himself received the S.B. 10 B from the depositor and countersigned the specimen signature on S.B. 10-B and the S.S.Book at the time of opening, and hence the counter-clerk (appellant) cannot be imputed with any disregard of rules or negligence. Had there been any disregard the H.O. would have challenged it. The depositor ~~had a running account~~.

*Fazal Haq*

had a running account, and thus could command recognition, and his signature could not be challenged because he had a running cheque a/c. There has never been a complaint on cheque account, nor regarding alleged payments for which the appellant has been punished. There is nothing in the charge sheet indicating that the signatures on the withdrawal forms did not tally with those available on S.B.3 at H.O. Under these circumstances, the allegation that payment was effected to unknown person does not stand at all, nor rule 425 can be said to have been violated, for the rule concerns much to tallying of S.S. than to real identify.

It may kindly be seen that the appellant has been punished on the ground of violation of Rule 425 & 442 of P.M. Manual Vol. VI (Part II) while all the Manuals have been named as Postal Manual, and hence quoting Post Manual is technically defective, and consequently the punishment imposed is also defective.

Rule 425 lays down the procedure of tallying signature with signature on S.S. Book, and Rule 442 lays down the prescribed procedure for opening account on transfer. The opening of the above accounts was done as required by the S.P.M., otherwise he was responsible for strict observance of the correct procedure. He could not stand by under the pretension of unwritten order. The procedure was not challenged by the H.O. and C.B.C.O. The amount was paid to the depositor on tallied signature which was OKAYED by the S.P.M., A.P.M. S.B.S.O. H.O., and I/C S.B.C.O. who is entrusted with 100 % checking.

It may kindly be seen on page 4 of the punishment order that the appellant has been punished only because the signature contained in the S.B. 10 B was not received from H.O., and the same was not pasted. If the signature was not received upto 15.6.87 when the a/c was opened on 27.2.87 action should have been taken against A.P.M. H.O. for recovery, and not against the appellant who paid

*Adhikari*

on the signature tallied with S.S.Card because signature on S.S. Card and S.B. 10-B are of the same depositor. It has nowhere been stated in the punishment order that the disciplinary authority has satisfied itself that signature on S.B.Book and S.B. 10-B do not tally. Thus, there is no logic to support the recovery on the sole ground that had the specimen signature been received from H.O., the appellant would not be responsible, as stated on page 4 of the punishment order, unless it is also established that signature on S.B.Book do not tally with the signature on S.B. 10-B. The manner in which the alleged lapse is said to have been committed has not been specified in a logical way in the charge sheet, or the punishment order. Nothing contained in Rule 425 can be said to have been violated when the signature on S.S.Book and withdrawal forms tally.

Thus, it is abundantly clear that the appellant is not guilty of violation of Rule 442 as the procedure specified therein was followed by the SPM who is responsible for opening of a/c on transfer under Rule 442. Rule 442(3) makes it amply clear that the S.P.M. shall follow the procedure. The appellant was only a counter clerk. The H.O. is responsible for not challenging the procedure. S.B.C.O. is also responsible. The appellant is also not guilty of violation of Rule 425 because he tallied the signature on the withdrawal form with those on record, and authenticated by the S.P.M.

In view of the submissions made above, the appellant who is hardpressed due to such heavy recovery may very kindly be absolved, and punishment be set aside, for which kindness he will ever remain grateful.

Encl.

1. Copy of Charge Sheet
2. Defence & Punishment Order.

Yours faithfully,

William Verma (A) Wm No  
(6604)

Advance copy submitted to the Director of Postal Services, Lucknow Region, Lucknow.

Pataarif

Attested  
True copy  
M. J. D. K. V.  
M. J. D. K. V.  
M. J. D. K. V.

In the Central Administrative Tribunal at Allahabad,  
Circuit Bench, Lucknow.

Misc. Application No. M.P.N. 720 of 1990 (L)

on behalf Respondents.

In

Case No. 216 of 1990

Vikram Verma ..... Applicant.

versus.

Union of India & Others..... Respondents.

APPLICATION FOR CONDONATION OF DELAY

The respondents respectfully beg to submit as under :-

1. That the written reply on behalf of the respondents could not be filed within the time allotted by the Hon'ble Tribunal on account of the fact that after receipt of the parawise comments from the respondents, the draft-reply was sent to the department for vetting.
2. That the approved written reply has been received and is being filed without any further loss of time.
3. That the delay in filing the written reply is bonafide and not deliberate and is liable to be condoned.

WHEREFORE, it is prayed that the delay in filing the written reply may be condoned and the same may be brought on record on which the respondents shall ever remain grateful as in duty bound.

Lucknow :

Dated : 24/12/

( Dr. Dinesh Chandra)  
Counsel for the Respondents.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CIRCUIT BENCH

LUCKNOW

Counter Affidavit on behalf of Respondent No. 3

---

In

O.A No. 216 of 1990.

Vikram Verma

Applicant.

versus

Union of India & Others

Respondents.

I, Daya Ram, aged about 53 years, son of late  
Shri Bachu Ram, Superintendent of Post Offices, Kheri, Division,  
Lakhimpur Kheri do hereby solemnly affirm and state as under:

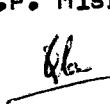
1. That the deponent has read the application filed by Shri Vikram Verma and has understood the contents thereof.
2. That the deponent is well conversant with the facts of the case deposed hereinafter.
3. That it will be worthwhile to give a brief history of the case as under:

Brief History of the Case

Shri Vikram Verma while working as Savings Bank

Counter Clerk, Palia Sub ~~Post~~ Post Office on 27.2.87 and 15.6.87 received on 27.2.87 a fake Pass Book of 5 Year Time Deposit Account No. 2126 of Gola Gokaran Sub Post Office alongwith an application for transfer (SB-10(b) from one Shri K.P. Misra for transfer of the said account from Gola Gokaran Sub Office to Palia Sub office (Annexure R-1). The pass book showed a balance of Rs 20,000. Later on it was found that this account was closed on 8.11.83 with a balance of Rs 535/- and it was in the joint name of Smt. Sundri Devi and Shri Chhedi Lal Jaisawal of village Raniganj, district Kheri (Annexure R-2).

ii) Shri Vikram Verma, before forwarding the fake Pass Book and transfer of account application of Shri K.P. Mishra from SB-10(b) (Annexure R-1) to Kheri Head Post office opened a new account (no. 125818) in the ledger and endorsed this account number on the transfer application (SB-10(b)). He also ~~posted~~ <sup>posted</sup> specimen signature of Shri K.P. Misra who was a miscreant/fake depositor, in the Specimen Signature Book. By doing so, Shri Vikram Verma failed to observe the procedure to be adopted in such cases as laid down in Rule 442 of the P&T Manual Volume 6 Part II. The fake Account No. 2126 of Gola Gokaran Nath Sub office was thus transferred to Palia Sub office in the name of Shri Jai Prakash Misra, son of Shri K.P. Misra through his father with a new Account No. 125818 with a balance of Rs 20,000/- On 15.6.87, Shri K.P. Misra made an application for final withdrawal of

  
contd....3

of the amount of Rs 20,000/- of Account No. 125818 at Palia Sub Post office. Shri Vikram Verma who was the Savings Bank Counter Clerk tallied the signature of Shri K.P. Misra with his specimen signature available in the Specimen Signature Book of the Palia Sub Office and made payment of Rs 22,375.50 and ~~pasted in the specimen signature Book of Palia Sub Office~~ to the miscreant depositor. It will be worthwhile to point out that these specimen signature of Shri K.P. Misra were obtained by Shri Vikram Verma and pasted in the specimen signature Book of Palia Sub office before sending the application for transfer of Account No. 2126 of Gola Gokaren Nath alongwith fake Pass-Book to Khari Head Office for transfer. Thus on account of extreme negligence of Shri Verma in disregarding the ~~procedure~~ ~~fully informed~~, the miscreant depositor succeeded in withdrawing Rs 22,375.50 on 15.6.87 from the fake transferred Account No. 125818 and Rs 8,400/- on 30.3.87.

iii) In another case, while working as Savings Bank Counter Clerk, Palia Sub Post Office on 31.8.87 Shri Verma received on 31.8.87 from one Shri Raj Kumar Misra ~~on 31.8.87 and 17.9.87 Shri Verma received on 31.8.87 a~~ fake Pass Book of Khari Head Post Office Joint Savings Bank Account No. 2481732 with a balance of Rs 33,500/- and an application in form SB-10(b) for transfer of Account No. 2481732 from Kheri HO to Palia Sub Post office. Before forwarding

(A42)

the application for transfer alongwith fake Pass-Book of Account No. 2481732 in the name of Shri Verma opened a new account No. 1720501 in lieu of Account No. 2481732 in the ledger of Palia Sub Office and endorsed the new Account No. on the application of transfer (SB-10(b) submitted by Shri Raj Kumar Misra (Annexure R-4). The Account No. 2481732 was transferred from Kheri Head Office to Palia with the new Account No. 1720501 which was allotted to it by Shri Verma. On account of non-receipt of the specimen signature of the depositor from Kheri Headquarter, the applicant obtained the specimen signature of Shri Rajkumar Misra on 7.9.87 and pasted the same in the specimen Signature book of Palia sub Office and on the same day i. e. on 7.9.87 made payment of Rs 2000/- to Shri Raj Kumar Misra from the account on the basis of the specimen signature so obtained.

iv) It is interesting to mention that Account No. 2481732 of Kheri Head Office was also fake. A perusal of the ledger Card of this account (Annexure R-5) shows that this account was opened on transfer from Sitapur Savings Bank Account No. 580841 with a balance of Rs 33,500/- while no such account was transferred from Sitapur Head Office to Kheri Head Post Office. As a matter of fact the Account No. 580841 was opened at Sitapur in the name of

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contd.....5

Shri Rakesh Chandra Gupta and still stands there with a balance of Rs 20/- (Annexure R-6).

v) Had Shri Verma observed the procedure as laid down in rules 442 and 425 of the P & T Mannau, Vol VI part I, both the fake zaccounts could not have been transferred from Gola Gokaran Nath and Kheri Head Office to Palia as discussed above. In the absence of any instructions from the transferring Post Office with regard to the specimen signatures of the depositor, the withdrawals should have been allowed after proper identification of the depositor and in that case the identifier was responsible to produce the miscreant depositor. But in the present case the withdrawal was allowed without proper identification. Thus, on account of negligence of Shri Verma the department sustained a loss of Rs 32,775.50 for which Shri Verma alongwith other officials connected with the case is held responsible. In this way Shri Verma failed to maintain devotion to duty as required under rule 3(1)(ii) of CGS (Conduct) Rules, 1964.

vi) Shri Verma was given an opportunity to make such representation as he may wish to make against the action proposed in Memo No. F-6/87-88/Disc./7 dated 1.3.89. The applicant submitted his representation dated 8.4.89 on 10.4.89 which was duly considered by the deponent along with relevant records of the case. A recovery of Rs 8,250/-

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was ordered to be made for the loss of Rs 32,775.50 sustained by the department on account his negligence and disregard of the provisions contained in Rules 425 and 442 of the P & T Manual Vol. VI, part II. The quantum of recovery amount was determined after taking into account the applicant's acts of commission and omission in not following the provisions of relevant rules vis-a-vis those of other officials connected in the present case. The applicant was required to pay Rs 500/- in respect of withdrawal of Rs 2000/- and Rs 7750/- in respect of withdrawal of Rs 23,775.50. The remaining amount was to be recovered from other officials who were also responsible for the loss.

vi) Shri Verma preferred an appeal against the order of recovery to the Director Postal Services, Lucknow Region, Lucknow which was rejected vide his memo dated 30.11.89.

vii) The applicant has not availed of the alternative remedy available to him under Rule 29(Revision) of the CCS(CCA)Rules, 1965.

Parawise comments

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4. That the contents of para 1 to 3 of the application need no comments.

46.  
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5. That the contents of para 4(1) and para 4(iii) are admitted.

5. That the contents of para 4(iii) of the Original Application are not admitted. It is submitted that the <sup>clearly</sup> charges were ~~already~~ and distinctly indicated in the charge-sheet without any ambiguity or vagueness. When the specimen signatures were not received from the transferring Post Office it was obligatory on the part of the applicant to make the payment to the miscreant depositor after proper identification. In this background it is interesting to note that the specimen signatures were obtained on the very day on which the transfer of account was received and on the same day the payment of withdrawal was made to the miscreant depositor. The question of any complaint from the depositor in this regard does not arise as both the accounts were fake and were fraudulently opened on the basis of transferred accounts which were found to have been closed long back or which were not transferred at all.

7. That in reply to the contents of para 4(iv) and para 4(v) it is stated that Shri Ram Lai~~t~~ Sonar, for his lapses and negligence in these case, has been dealt with separately. Regarding the averment that the applicant acted in compliance to the instructions of the supervisor, Shri Ram Lai~~t~~ Sonar, it is stated that during the course of

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enquiry, no such written instructions from Shri Sonar to the applicant were found. The applicant was required to follow the instructions contained in the rules and regulation of the department and for violation of which the applicant was rightly punished by ordering recovery of Rs 8250/- from his pay.

8. That in reply to contents of para 4(VI) and 4(VII) of the original application the submissions made in para 6 above are reiterated. It is further clarified that such type of fraud has been detected in Kheri, Hardoi, Sitapur, Barabanki, Lucknow and Shahjahanpur Postal Divisions to the tune of Rs 11,45,039.65 which had been done in collusion with a number of officials of the Postal department. The modus operandi was to open new ledger cards with huge balance on the basis of fake & transfer of account from other Post Offices when actually these accounts had been closed or had a meagre balance. These fake accounts were again transferred to a third Post Office and from <sup>there</sup> their withdrawals were effected without proper identification of the depositor. In these operations a number of Postal officials were found to be involved against whom departmental action has been initiated. In the present case, the loss of Rs 32,775.50 sustained by the Government was due to the negligence and lapse on the part of the applicant also. Had he been vigilant, and followed the relevant rules, the payment to the miscreant depositor could not have been made. The applicant had

(AUG)

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had to be penalised for his share in the wrong payment of Rs 32775.50. The chargesheet issued to the applicant was elaborate enough to point out his role in the wrong payment and hence it could be avoided if the payment was made after proper identification.

9, That in reply to the contents of para 4(VIII) it is stated that in the punishment order dated 28.4.69, the deponent has discussed in detail the lapses on the part of the applicant which led to wrong payment of Rs 32775.50. While determining the quantum of recovery, the contributory negligence of the applicant was properly assessed.

10. That in reply to the contents of paras 4(IX) and para 4(X) to the original application it is stated that the appellate authority examined the appeal dated 16.6.69 with due consideration and did not find any reason to interfere in the punishment order of the deponent. The appeal was rejected vide memo dated 30.11.69.

11. That in reply to the contents of para 4(XI), it is stated that the applicant did not avail of the remedy of filing a revision to the Member(personnel) Postal Service Board, New Delhi under Rule 29 of the CCS(Classification Control & Appeal) Rules, 1965.

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12. That the contents of para 4(XII) of the Original Application need no comments.

13. That the grounds for relief with regard to legal provisions indicated in para 5 of the original application have been adequately commented upon in the foregoing paragraphs.

14. That in reply to para 56 of the Original Application, it is stated that the applicant did not avail of the remedy of filing a revision against the appellate authority's order of 30.11.89 as admissible under Rule 29 of the CCS(CCA) Rules, 1965.

15. That the contents of para 7 of the Original Application need no comments.

16. That in view of the submissions made in the above paragraphs, the relief sought for in para 8 and interim relief prayed for in para 9 of the application are not admissible and may not be allowed.

17. That the contents of para 10,11 and 12 of the Original Application need no comments.

Wherefore it is respectfully prayed that in view of the submissions made in the above paragraphs, the Hon'ble

Plz

Tribunal may kindly dismiss the application with costs  
in favour of the respondents and against the applicant.

Lucknow

8/6-  
Deponent.

Dated: 17-11-90

Verification

I, the deponent named above do verify that the  
contents of para 1 of the Counter reply are true to my  
personal knowledge and paras 4 to 17 are believed to be  
true by me on the basis of legal advice and record. No part  
of it is false and nothing material has been concealed.  
So help me God.

Lucknow

8/6-  
Deponent.

Dated:

17-11-90  
I certify the deponent who has signed before me

), (Signature)  
Bhushan

C. C.

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Deponent  
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Viktor Tamm v/s King of India - Ph

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S. B.-10 (B)

Application for Transfer of SB/CTD/ED/TD/RD Accounts  
To Postmaster, S.Y.(n-1)P (B.S.)(10)

I request that my Savings Bank Account, No. 2126.....  
standing on the books of the ~~Post Office Savings Bank at~~..... Post Office  
Savings Bank may be transferred to the Post Office Savings Bank at ~~Winnipeg~~.....

The postcard which has a balance of Rs. 2.00/-/.....  
(in words) .....  
is submitted herewith and is remitted to me to the address noted below.  
Three specimen signatures are given below.

I hold the following and do not hold Government Securities in the custody of the Accountant-General, Posts and Telegraphs.

(Kinds of loans specifying the year of loan to be entered here)

যানিও পাই একে পাই একে একে  
নি এ পাই এ পাই এ পাই এ পাই এ পাই

(K8) 18325

—Signature of Depositor

### 5. *Science Structures*

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(2)..... (1672).....

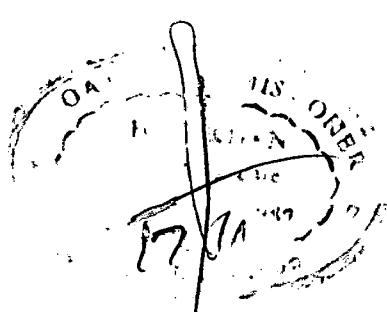
(3)..... KD 18712 -

$$(\text{HGF}_0)_0 = 232 = 2 \cdot 6 \cdot 71 = 1 \cdot 14 \cdot 107$$

Contractor  
Counter-signed by  
Postmaster.....  
Date.....

Countersigned by  
Postmaster.....  
Date.....

Countersigned by  
Postmaster.....  
Date.....



0-A-140 216 3) 154-

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Vikram Venkata

Min of India & Obs

Anisognathus - R 2

Golakacheranurh Sub-office

Indigofera C. P. Syringa A/2015 2  
10/21/26

(S.B.)

10.2126

1- श्रीगण्डी शुद्धदर्दी देवी १०००० लाख रुपयां ॥१॥

2- श्रीगण्डी शुद्धदर्दी देवी ५०००० लाख रुपयां ॥२॥

कुला २००० गण्डी देवी शुद्धदर्दी ५०००० रुपयां

Dep WID Total

925/02

5.00 --

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500 —

18.00-15.00 9:14 (02)

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Sun 8/11/03

attenuata  
10/11/07 1900

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O. A. V. C. 16378

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(13)

Vikram Varma

Hari Jhala - A/c

Annexure - 6 &amp; 3

POST from 827 5-4-70 P.C. no 252255 vikram 13 on 20/4/82

पूस० वी०-७५

S. B.-75

दामोदरी का नाम  
Name of depositor

पता

address

नाम की जन्म-ता

नाम के लिए

Date of birth of minor

(in case of minor's a/c)

अन्य विवरण

Other Particulars

भनोनीत (तो) का  
नाम तथा पता  
Name and address  
of nominee(s)बचत-देक्षणा कार्ड  
SAVINGS BANK LEDGER CARD

संखा संखा

क्लास संखा

No. of Account

Class of Account

Jai Prakash Mehta

9126

347

S. B. 15 P. M. 1978

लाभिका के लिए

1/20/578

A/c stands at.....

Other Particulars

Thosayal Pather

आरी बिधि पाए जेको की पुस्तकालय  
कार संख्या 15.7/3007

| लेन-देन<br>की तारीख<br>Date of<br>transaction | जमा<br>Deposit | निपासी<br>Withdrawal | बचत<br>Balance | खाता कर्त्ता<br>के दस्तावेज़<br>Signature of<br>Ledger<br>Clerk | पोस्टमास्टर<br>के प्रधार<br>Postmaster | सेप पर<br>दबा<br>posting<br>Balance |
|---|----------------|----------------------|----------------|---|--|-------------------------------------|
| रु.<br>Rs.                                    | पै.<br>P.      | रु.<br>Rs.           | पै.<br>P.      | रु.<br>Rs.  | पै.<br>P.                              | रु.<br>Rs.                          |
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| 16/9/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 17/9/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 18/9/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 19/9/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 20/9/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 21/9/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 22/9/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 23/9/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 24/9/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 25/9/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 26/9/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 27/9/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 28/9/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 29/9/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 30/9/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 1/10/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 2/10/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 3/10/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 4/10/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 5/10/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 6/10/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 7/10/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 8/10/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 9/10/82                                       |                |                      |                | .....   | .....                                  | .....                               |
| 10/10/82                                      |                |                      |                | .....   | .....                                  | .....                               |
| 11/10/82                                      |                |                      |                | .....   | .....                                  | .....                               |
| 12/10/82                                      |                |                      |                | .....   | .....                                  | .....                               |
| 13/10/82                                      |                |                      |                | .....   | .....                                  | .....                               |
| 14/10/82                                      |                |                      |                | .....   | .....                                  | .....                               |
| 15/10/82                                      |                |                      |                | .....   | .....                                  | .....                               |
| 16/10/82                                      |                |                      |                | .....   | .....                                  | .....                               |
| 17/10/82                                      |                |                      |                | .....   | .....                                  | .....                               |
| 18/10/82                                      |                |                      |                | .....   | .....                                  | .....                               |
| 19/10/82                                      |                |                      |                | .....   | .....                                  | .....                               |
| 20/10/82                                      |                |                      |                | .....   | .....                                  | .....                               |
| 21/10/82                                      |                |                      |                | .....   | .....                                  | .....</td                           |





Vikram Verma

Mr. & Mrs. John & Anna

Anneam-R-6

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፩. B.-፭፭ (b)

470-7  
4. B.-75 (b)

Write the name of Post Office

70. କାନ୍ତିକାରୀ

पोस्ट ऑफिस टाइम डिपोजिट लेडर कार्ड  
POST OFFICE TIME DEPOSIT LEDGER CARD

प्राप्तकर्ता/कर्ताओं का/के नाम.....  
Name(s) of Depositor(s).....

پردازشی/Address.....

..... 24/12/2023 .....

तामांकित का नाम तथा पता .....  
Name and address of nominee(s) .....

| Category | Type | Serial No.    |
|----------|------|---------------|
| Spit     | TEFL | Serial No. 16 |

ब्राह्म-साति . . . . . Date of birth  
नामालिपि के द्वारा कृत प्राप्ति का मामा /In case of minor's

.....  
.....

અન્ય અંગે .....  
Other details

## जमा और पुनर्गतान Deposits and Repayments

### द्याज वा भुगतान Payment of Interest

17.11.

O.A. No. 216 of 1990.

Vikram Verma

Applicant

versus

Union of India and others

Respondents

F.O.F. 14.2.91

REJOINDER AFFIDAVIT TO THE COUNTER AFFIDAVIT FILED BY RESPONDENT  
No. 3.

I, Vikram Verma, aged about 31 years, son of Shri Kunwar R/O village Kallia Majhgawan, P.O. Barwan, District Hardoi, and working as Postal Assistant, Kheri Head Post Office, Kheri, do hereby state on oath as under -

1. That the deponent is the applicant in the above noted case and he is well conversant with the facts of the case deposited in this rejoinder affidavit. The deponent has read the counter affidavit submitted by the respondent No. 3, fully understood its contents and is replying to the same as under,-
2. That in reply to the contents of para 3 of the counter it is stated that no reply has been filed by the respondents No. 1 & 2 and the instant counter does not furnish any authority to show that this reply is also for and on behalf of them.
3. That in reply to the contents of para 3 of the counter giving brief history of the case, it is stated that there is no provision in the Central Administrative Tribunal (Procedure) Rules 1987 to give a history of the case by the respondents. Rule 12(2) of the said rules lays down that the respondents may specifically admit, deny or explain the facts stated by the applicant in his application and they may also state such additional facts as may be found necessary for the just decision of the case. The alleged brief history as sought to be introduced in the case is an attempt to confuse the case and misguide the Hon'ble Tribunal. This brief history of the case was never intimated to the applicant and he was not given

22/1/91

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an opportunity to submit an effective representation in the matter. The case could have been explained in reply to the facts as stated by the applicant in his application. The brief history as stated by the respondent No. 3 is therefore, irrelevant and unwanted.

3(i) That in para 3(i) of the counter it has been alleged that an application for transfer (SB-10(g)) in respect of a fake Pass Book of 5 year time deposit Account No. 2326 of Gola Gokaran Sub Post Office was received at Pallia Sub Post Office on 27.2.87 but the annexure R-1 shows that it was a Saving Bank account and the specimen signatures furnished by the account holder were duly attested by the Sub-Postmaster Pallia and the applicant was under an obligation to act according to the instructions of his supervisor, the Sub Postmaster Pallia. There was nothing in suspect that it was a fake account and had already been closed as alleged and indicated vide annexure R-2 to the counter. The allegations that it was a fake account and had already been closed were not mentioned in the charge sheet and thus the applicant was prejudiced in his defence. The counter still does not clarify how the alleged fakeness of the account, as alleged, could be detected. The circumstances under which the pass book was accepted and forwarded to the Head Office, after allotting a new account number at Pallia Sub-Post Office, were explained by the applicant in his representation to the respondent No. 3 (SPOs Kheri) vide annexure A-5 and also in his appeal to the respondent No. 2 (DPS, Lucknow) A-7 but none of them appreciated the case by proper application of their mind and passed the impugned order of punishment and on appeal judicially. No speaking orders were passed by them in the light of the submissions made by the applicant.

3(ii) That the contents of para 3(ii) of the counter, as stated are denied. The applicant acted under the instructions of the Sub Post Master Pallia and bona fide as explained in his representation and appeal annexure A-5 & A-7 and in the manner expected of any other person of ordinary prudence placed in the

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similar circumstances. There was nothing to suspect that it was a fake account. Even the Head Office did not raise any objection as to the correctness of the account, its manner of transfer and specimen signatures forwarded with SB-10(b) as compared to those obtained initially on SB-3. The specimen signatures forwarded with SB-10(b), application for transfer, were duly attested by the Sub-Post Master Pallia and the applicant acted under his instructions. It has also been stated in annexure A-5 and A-7 that Shri K.P. Misra had already an account No. 1719987 opened on 17.7.86 at Pallia Sub office and his identity could not be doubted or questioned by any Postal Assistant specially in view of the fact that his specimen signatures were duly attested by the Sub Post Master personally. Rule 442 of the P & T Manual Vol. 6 part II is very elaborate running in several pages and it was never before nor now in the counter, it has been specified as to which provision of it, the applicant failed to observe as vaguely alleged. The payment was made on the transfer of the account in accordance with rules and procedure after comparing the signature of the applicant with the specimen signatures on record and the applicant with this can not, in any way, be held for any omission or commission in discharge of his duty as a Government servant and he cannot be fairly saddled with any monetary responsibility for the alleged loss to the department.

3(iii) That the contents of para 3(iii) of the counter are denied as stated. The deponent acted in accordance with the instructions of his superior, who countersigned the specimen signatures given by the depositors on 31.3.87 and not on 7.9.87 as wrongly alleged. The deponent acted bona fide in terms of the instructions of his supervisor, from the time of the receipt of application till the payment was made as he was expected to do and there was no dereliction of duty on his part.

3(iv) That the contents of para 3 (iv) of the counter are denied for want of knowledge. In any way, the deponent was/is not responsible for the fake transfer of account from Sitapur to

(P. 69)

Kheri Head Office. The Kheri Head Office did not challenge the application for transfer and allowed the transfer of account without any hitch and hesitation and for the illegal & <sup>officials</sup> fraudulent action of the ~~officials~~ at Sitapur and Kheri the deponent cannot be penalised.

3(v) That the contents of para 3(v) of the counter are vague, indefinite and unspecific and hence they are denied as stated. Rules 442 and 425 of the P & T Manual Vol 6, Part I, quoted by the respondent No. 3 are too wide and lengthy running in several pages and the respondent No. 3 has never specified which provisions of these rules were not followed by the deponent and how it resulted in irregular transfer of the accounts in question and their fraudulent payment. It has also not been clarified by the respondent no. 3 as to how the deponent was responsible for omission or commission of his duty when he acted on the instructions of his supervisor, the Sub-Post master on his attesting the specimen signatures and forwarding them alongwith the pass books and application for transfer. The payments were made on the basis of basis of the specimen signatures already verified and attested by the Sub-Postmaster and there was nothing wrong or irregular on the part of the deponent. He acted bona fide in a manner in which any other person of ordinary prudence would have done. There was no necessity of identification when the specimen signatures and the identification at the time of payment of the party had already been verified and attested by the Sub-Postmaster. It is wrong and malicious to say that the deponent suffered a loss of Rs.32775.50 P due to negligence of the deponent. and he failed to maintain devotion to his duty as required under Rule 3(i)(ii) of CCS (conduct) Rules 1964.

3(vi) That the contents of para 3(vi) of the counter are denied as stated. The deponent submitted by his representation dated 8.4.89 (annexure A-5) that the specimen signatures were attested by the SubPostmaster and further action was taken under an obligation to do being his subordinate. The fact that

(Vikram Verma)

A.Y.

the specimen signatures were attested by the Sub-Postmaster is a clear indication that the party was well known to the Sub-Postmaster whose instructions the deponent could not afford to repudiate, as the Sub-Postmaster was overall incharge of the Post Office. The recovery ordered to be made from the pay of the deponent is without any clarification as to his nexus and liability in the whole transaction. There is no indication as to the responsibility of the officials involved in the entire transaction and the apportioning of their proportionate liability. The order is thus arbitrary, unjust, malicious, unsustainable, illegal and null and void. In all fairness an elaborate procedure should have been adopted in terms of Director General Post & Telegraph letter dated 13.2.81 (ann. A-6) and its non compliance has caused a great prejudice to the deponent and vitiated the chargesheet and entire further action taken thereunder and rendered them as null and void.

3(vii) That in reply to the contents of re-numbered para 3(vi) of the counter, it is submitted that the appellate authority did not follow the rules and did not apply his mind to the facts and circumstances of the case and decided the appeal mechanical-ly and prejudicially; It is further pointed out that the appellate authority i.e. respondent No. 2 has not filed any counter and respondent No. 3 cannot hold any brief for him.

3(viii) That the contents of para 3)vii) of the counter are denied as stated. Rule 29 of CCS(CCA) Rules 1965 does not provide legal remedy. The deponent preferred appeal, which having been rejected has rightly come before this Hon'ble Tribunal for redressal of his grievance.

4. That the contents of para 4 of the counter need no reply.
5. That para 5 of the counter needs no reply.
6. That in reply to the contents of para 6 of the counter it is denied that the charges were clearly and distinctly indicated in the charge sheet. It is submitted in this regard that the full facts of the case <sup>to how the accounts were</sup> transferred fraudulently as now alleged were not contained in

Vikram Verma

in the chargesheet and the chargesheet was not clear and distinct to state how the deponent figured in the transaction and what was his proportionate liability and who were the other employees responsible for the alleged fraudulent transaction. In all fairness a chargesheet should have been issued in the light of the instructions given by the Director General P & T in his letter dated 13.2.81 (annexure A.6). These instructions clearly lay down that the penalty of recovery can be awarded only if the lapses on his part have either led to the commission of the fraud or misappropriation as frustrated the enquiries as a result of which it has not been possible to locate the real culprit. It is obligatory on the part of the disciplinary authority that the charge sheet should be quite elaborate and should not only indicate clearly the nature of lapses on the part of the particular official but also indicate the modus operandi of the fraud or misappropriation would be avoided or that successful enquiries could be made to locate the stage at which the particular fraud had been committed by a particular person. In terms of the said letter the accused is required to be given ample opportunity to defend himself not for no perfidy to be ad-judged as guilty as done in the instant case. In absence of a proper and detailed chargesheet as required to be issued in view of the said D.G's letter, the entire disciplinary proceeding taken against the deponent and the order of recovery to be made from his pay is perverse, irregular, malicious and null and void. It has already been stated that the specimen signatures were taken and attested by the sub postmaster and there was nothing to question their authenticity by the deponent, who acted bona fide on the instructions of the Sub-Postmaster and effected payment on tallying the signature on the withdrawal form with the specimen signatures already taken and attested by the SPM. It is wrong to say that the specimen signatures were obtained the same day when the transfer of account was received and the withdrawal was made. In fact the specimen signatures were obtained at

the time, the application for transfer of account was made i.e. alongwith SB 10(b). Even if there was no complaint, the respondents were/are under obligation to state how the alleged fraud came to notice and what action was taken for tracing the miscreant. The rest of the contents of para under reply is denied and the contents of para 4(iii) of the application are reiterated.

7. That the contents of para 7 of the counter are denied as stated. In normal working, a subordinate has to follow the oral instructions, given by his superior and written instructions cannot be insisted upon. The supervisor, Sri Ram Lut Sunar is not stated to have denied the instructions given by him to accept the specimen signatures duly attested by him and forward the application SB 10(b) for transferring the account, after allowing it a new account number. The deponent was not given proper opportunity to represent his case and cross examine Sri Ram Lut Sunar in case he denied to have given instructions to the deponent as stated by him (deponent). The deponent is not aware of the action taken against the said supervisor. The deponent did not infringe any instruction contained in rules. As counter clerk, he forwarded the application for transfer SB 10(b) in accordance with the instructions of the Sub-Post Master and after transfer made the payment after tallying the signature on withdrawal form with the specimen signatures already taken and attested by the SPM. The respondents have not specified, how the deponent did not follow the instructions of the rules and how it resulted in loss. The matter has been dealt with by the deponent in his representation against the chargesheet and also in his appeal, indicating that there was no lapse on his part and he was/is not responsible for any loss. The order of recovery from his pay is wrong, malicious and illegal. The contents of para 4(iv) and 4(v) of the application are reasserted.

8. That the contents of para 8 of the counter are denied as stated. Reply to para 6 of the counter has already been given in para 6 above. As per assertion of the respondent No. 3,

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there was a fraud to the tune of over 11 lacs and odd with modus operandi to defraud the department; such a matter involving a very huge amount must have been entrusted to the Police, C.I.D./C.B.I., but there is no mention of such an enquiry and the result achieved of by them. However the deponent was in no way responsible for transfer of fake a/c amount from the office of origin or its opening in the Head Office. It is strange that the SBCO, whose main duty is the control the accounts and to reconcile them could not detect the alleged manipulations and frauds. It is stated that the chargesheet given to the deponent was not elaborate and it was not in terms of the D.G's letter dated 13.2.81 (annexure A-6) and the deponent was not afforded reasonable opportunity for making an effective representation in the matter. The accounts in question were transferred on the applications of the accounts holder on his applications SB 10(b) and his specimen signatures were duly attested by the subpostmaster and the payments were made on the ~~basis~~ basis of the same bona fide on the approval of the sub postmaster. There was no lapse on the part of the deponent. It was not disclosed by the respondent No. 3 as to how the alleged fraud was committed and who were the officials who contributed to the commission of alleged fraud and what was their respective liability and how the ~~ex~~ proportionate liability was fixed amongst them. If several officials were responsible a common chargesheet should have been given to all of them under Rule 18 of CCS(CCA) Rules 1965 and their respective ~~liab~~ liability made clear in terms of D.G's letter dated 13.2.81. But this was not done and reasonable opportunity was not afforded to the deponent to clear himself and the action of recovery was taken arbitrarily, prejudicially and maliciously. The deponent acted on the instructions of the sub-postmaster who was his supervisor and who had attested the ~~specimen~~ signatures and the payment was made on the basis of the specimen signatures after comparison by him and also by the sub-post master who passed the payment. There was no irregularity on

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the part of the deponent who acted bona fide in the manner in which any other person of ordinary prudence placed in similar circumstances would have done. The deponent has been wrongly and prejudicially penalised without stating his share of liability vis-a-vis to others. It is wrong to say that the chargesheet was elaborate. It was not specific and detailed indicating the involvement of all the officials and the share of liability of each of them. The D.G's letter/instructions dated 4.3.2.81 are clear on the subject and the chargesheet was not in accordance therewith. The deponent was lightly prejudiced and wrongly punished. The rest of the contents of para under reply is denied and the contents of para 4(vi) and 4(vii) are reasserted.

9. That the contents of para 9 of the counter are denied as stated. The deponent had clearly stated the circumstances under which he acted, in his representation dated 3.4.89 (Ann. A-5) and there was no dereliction of duty on his part. It is wrong to say that the contributory negligence of the deponent was properly asserted/assessed. The deponent was in no way responsible for any wrong payment as alleged. The contents of para 4(viii) are reiterated.

10. That the contents of para 10 of the counter are denied. There is no counter from the appellate authority viz. respondent No. 2 and the respondent No. 3 cannot hold any brief on behalf of the appellate authority. The appellate authority did not act properly and he did not apply his mind to the facts and circumstances of the case as required under rule 27 of the CCS (CCA) Rules 1965. The appellate authority was under an obligation to make an objective assessment of the case and issue a reasoned and speaking order which he did not do. Instead he passed a sweeping and cryptic order confirming the punishment wrongly and awarded by the disciplinary authority. The appellate order is in violation of instructions issued by the D.G. P & T vide his letter dated 1.10.80 (incorporated in CCS(CC) Rules 1965 compilation by Sri P. Muthuswamy 1990 2<sup>nd</sup> edition) and the

V.K. Ramu, Venkateswara

the same is untenable and sustainable. The appeal of the deponent was wrongly rejected. The contents of paras 4(ix) and 4(x) are reiterated.

11. That the contents of para 11 of the counter are denied. Petition and review are not the statutory rights. The deponent has no other legal remedy except to file the instant application before this Hon'ble Tribunal for redressal of this grievance.

12. That in reply to para 12 of the counter it is stated that the respondent No. 3 has not disputed the assertion made by the deponent in para 4(xii) of his application which affords a strong ground for stay of recovery till disposal of the case.

13. That the contents of para 13 of the counter are denied in view of the submissions already made above, the contents of para 5 and the legal grounds furnished thereunder are reassessed.

14. That the contents of para 14 of the counter are denied as stated and the contents of para 11 above are restated.

15. That para 17 of the counter needs no reply.

16. That the contents of para 16 are denied as stated and the contents of para 8 and 9 of the application are reiterated. The deponent is entitled to the reliefs prayed for in para 8 of his application and the same is liable to be allowed. He is also entitled to the interim relief as prayed for in para 9 of the application.

17. That para 17 of the counter needs no reply.

18. That the prayer made by the respondent No. 3 is baseless and not cogent and the same is liable to be rejected with costs to the deponent.

Lucknow, Dated  
January 17, 1991.  
May 17

Vikram Verma  
Deponent.

#### VERIFICATION

I, the above named deponent, do hereby verify that the contents of paras 1 to 12, 14, 15 and 17 are true to my knowledge and those of paras 13, 16 and 18 are believed to be true.

No material fact has been concealed and no part of this is false. So help me God.

Signed and verified this day of January 1991 at  
Lucknow,  
Lucknow,  
Dated January 17, 1991.  
May 17

Vikram Verma  
Deponent.

I identify the deponent who  
has signed before me

Advocate.

..... श्रीमान्  
वालान्ट ] ..... श्री  
प्रतिवादी [ रेस्पाइट ]

महादेव  
Central Fire Station (Under a Shisha)  
का वेकालतनामा  
Civ. Bazar, Lucknow

महोदय

## टिकट

## वादी (अपीलान्ट)

Vikram Vas बनाम लूम झुल्सि प्रतिवादी (रेस्पांडेन्ट)

नृ० मुकुद्दमा २१६ १९९० पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपने से भी Dr. J. M. est (Leeds).  
 Dr. C. L. Standing (Lond.)  
 Dr. C. L. Standing (Lond.)  
 Dr. C. L. Standing (Lond.)

नाम अदालत ४  
मुकद्दमा न०  
नाम करीकंत

को अपना नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुद्रवकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पंरवी व ही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौठावें या हमार डिगरी जारी करावे और रूपया वसूल करें या सुलहनामा व इकबातिथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर ल करें और तसदीक करे मुकदमा उठावे या कोई रूपया जमा की विपक्षी ( फरोक्सानी ) का दाखिल किया हुआ रूपया अपने हस्ताक्षर युक्त ( दस्तखती ) रसीद से लेवे या पंच नियुक्त करे—होदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकृत होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या विरोक्त को भेजता रहूंगा अगर मुकदमा अदम पंरवी में एक तरफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं न ए यह बकालतनामा लिख दिया प्रमाण रहे और समय पर काम

## साक्षी (गवाह)

दिनांक

हस्ताक्षर.....

साक्षी (गवाह) ..... साक्षी (गवाह) .....

..... महीना ..... सन् १६ ई०

F.F. - 10-11-92  
10-11-92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH.

M.P. NO. 924 of 1992.

APPLICATION TO FILE SUPPLEMENTORY-AFFIDAVIT.

In

O.A. NO. 216/90.

Vikram Verma .....Applicant.

F.T.  
26/10/92  
5-

Versus

Union of India & Others ..... Respondents.

(303)

The respondents above named most respectfully submit  
as under :-

That for the facts and circumstances indicated in the  
accompanying Supplementary Counter-affidavit it is expedient in  
the interest of justice that this Hon'ble Tribunal be gracious  
enough to take the same on record.

J. (Signature)

( DR.DINESH CHANDRA ),

Counsel for Respondents.

(A.G.A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH.

SUPPLEMENTORY COUNTER-AFFIDAVIT ON BEHALF OF RESPONDENTS.

In

O.A. No. 216/90

Vikram Verma ..... Applicant.

Versus

Union of India & Others ..... Respondents.

~~Ex parte~~

I, ..... aged  
about ..... years, son of late .....  
....., Superintendent of Post Office, Kheri Division,  
Kheri do hereby solemnly affirm and state as under : -

(1) That the deponent has read Rejoinder-affidavit filed by  
Shri Vikram Verma and has understood the contents thereof.

(2) That the deponent is well conversant with the facts of  
the case deposed hereinafter and is filing this Supplementary  
Counter-affidavit on behalf of respondents.

(3) That it is expedient in the interest of justice to clarify  
the averments made by the applicant in the Rejoinder -  
affidavit.

(Signature)  
4/10/92

Contd.... 2/-

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(4) That with regard to para 3 of the Rejoinder-affidavit it is stated that a brief history of the case has been given in the Counter-affidavit in order that the submissions made in the Counter-affidavit may be appreciated in their true perspective.

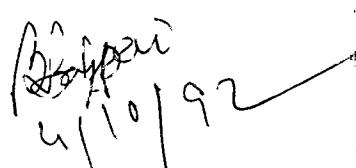
(5) That with regard to para 3(iii) it is denied that the applicant had pasted specimen signature slip against newly opened account No.1720501 on transfer in the S.S. Book of Palia Post Office on 31-8-87. Actually the applicant pasted the specimen signature slip of the fake depositor on 7-9-87 when the fake depositor called on the applicant for withdrawal of Rs.2000/-. In the absence of any instructions from the transferring post office with regard to the specimen signature of the depositor, the withdrawal should have been allowed after proper identification of the depositor and in that case the identifier was responsible to produce the miscreant depositor.

(6) That the applicant has indirectly and obliquely admitted his guilt when he states in para 3(ii) of the rejoinder that ;-

  
" The deponent acted bona fide in terms of the instructions of his superior from the time of the receipt of application till the payment was made ...."

And again in para 3(v) that

" how the deponent was responsible for omission or Commission of his duty when he acted on the instructions of his superiors."

  
4/10/92

Contd..... 3/-

(A)

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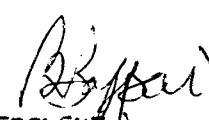
And yet again in para 7 that

" In normal working, a subordinate has to follow the oral instructions given by his superior and written instructions cannot be insisted upon."

From the above it transfers that the applicant acted against the departmental instructions in allowing withdrawals to the fake depositors but he did it as a disciplined and obedient subordinate on the oral instructions of his superior officer.

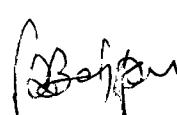
(7) That with regard to para 8 of the Rejoinder-affidavit it is stated that several officials were involved at different stages in the different lapses in the present fraudulent withdrawals to the tune of Rs. 32,775-50 and so the question of issuing a common Charge-sheet to all of them under Rule 18 of the C.C.S. (C.C.A.) Rules, 1955 does not arise.



  
(DEPOVENT)  
4-1082

--: VERIFICATION :-

I, the above named deponent do hereby verify that the contents of paras \_\_\_\_\_ of this affidavit are true

  
4-1082

Contd.... 4-

( A72 )

// 4 //

to my personal knowledge and those of persons are believed by me to be true based on records and as per legal advice of my counsel. That nothing material facts has been concealed and no part of it is false, so help me God.

Signed and verified this the 4th day of October 1992  
within the court compound at Lucknow.

Lucknow.

Dated: 4/10/92

( Deponent )  
*[Signature]*

I identify the deponent who signed  
before me.

On  
for Bagan

( ADVOCATE )

*[Signature]*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD/

**CIRCUIT BENCH, LUCKNOW**

O.A. No. 216 of 1990

Vikram Verma ... ... Applicant  
Versus  
Union of India and others ... Respondents  
Fixed for 18.11.92

Fixed for 18.11.92

SUPPLEMENTARY REJOINDER IN REPLY TO THE  
SUPPLEMENTARY COUNTER FILED BY THE RESPONDENTS,  
A COPY OF WHICH HAS BEEN GIVEN TO THE  
THE APPLICANT'S COUNSEL ON 20.10.92

I, Vikram Verma, aged about 31 years, son of Shri Kunwar, resident of village Katra Majhgawan, P.O. Barwan, District Hardoi AND working as Postal Assistant, Kheri Head Post Office, Kheri, do hereby state on oath as under :-

1. That the deponent is the applicant in the above noted case and is well conversant with the facts deposed to in this rejoinder. The deponent has read the supplementary counter ~~affidavit~~ affidavit furnished to his counsel on 20.10.92, understood its contents, fully and is replying to the same.
2. That the particulars of the person/officer who has sought to file the supplementary counter has not been given, it is undated and not duly verified and in view of these matters, it is vague, incomplete and inadmissible and liable to be ignored.
3. That in reply to the contents of paras 1, 2 and 3 of the supplementary counter, the contents of para 2 above are restated.

4. That the contents of para 4 of the supplementary counter are denied as stated and the contents of para 3 of the rejoinder affidavit are re-iterated.
5. That the contents of para 5 of the supplementary affidavit are denied as stated. It is wrong to say that the specimen signatures were obtained on 7.9.87 and not on 31.8.87. In this connection averments made by the deponent in para 4(iv) of his application and para 2(1) of his representation dated 8.4.89 (Annexure A-5) and in para 2 of his appeal dated 16.6.89 (Annexure A-7) are re-asserted. There was no question of demanding identification by the deponent as the specimen signatures were obtained by the S.P.M. himself on 31.8.87 and counter-signed by him, pasted to the specimen signature book and the signature on the withdrawal form submitted on 7.9.87 tallied with the specimen signature on record. It may be stated that the withdrawal was allowed by the Sub-Postmaster who did not raise any objection as the specimen signature was already attested and counter-signed by him. There was absolutely no lapse on the part of the deponent who acted according to rules and procedure.
6. That the contents of para 6 of the supplementary counter are emphatically denied. It is wrong and misconceived to say that the deponent has indirectly and obliquely admitted his guilt in paras 3(ii), 3(v) and in para 7 of his rejoinder. This is all

misrepresentation of facts by the respondents, which is wrong and baseless. The deponent was working under the direct control and supervision of the Sub-Postmaster and was duty bound to act according to his instruction. The Sub-Postmaster had obtained the specimen signatures and got them pasted to the ~~specimen~~ specimen signature book and the withdrawals were to be examined on the basis of the specimen signature on the record, which the deponent did in performance of his duty and no adverse view can be taken against him. It is wrong, prejudicial and malicious to say that the deponent acted against the departmental instructions. The deponent could not allow any withdrawal himself. All the withdrawals were allowed and passed by the Sub-Postmaster after proper scrutiny and after the same was duly passed, the deponent was under duty to make payment. No lapse can, reasonably, be alleged against the deponent who acted bona fide and in good faith in the normal discharge of his duty. Any other person of ~~maxim~~ ordinary prudence would have acted in the same manner in which the deponent did and no motive can be attributed against him. The rest of the contents of para 6 are denied and those of paras 3(ii), 3(v) and 7 of the rejoinder are re-asserted.

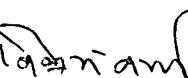
Tatyana

7. That in reply to para 7 of the supplementary affidavit, it is stated that the respondents have admitted that several officials were involved at different stages in the different lapses and in view

of this matter it was/is necessary to apprise the various officials of their respective lapses to assess their proportionate liability in the alleged loss. This could be possible only if a proper charge sheet was furnished in accordance with the spirit of the instructions issued by the D.G., P&T, in his letter dated 13.2.81 (Annexure A-6) and Rules 106, 107 and 111 of the P&T Manual Vol. III referred to in para 4(viii) of the application by a common proceeding as provided under Rule 18 of the CCS(CCA) Rules 1965, a photo copy of which is Annexure SR-1. Since proper proceeding was not taken by the respondents as required by rules and departmental instructions, the punishment is vitiated irregular, illegal and void and liable to be set aside.

Lucknow :

Dated : 15 .11.92

  
Deponent

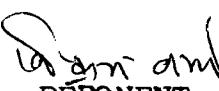
VERIFICATION

I, the above named deponent, do hereby verify that the contents of paras 1 to 6 of this supplementary affidavit are true to my knowledge and those of para 7 are believed to be true. Nothing material has been concealed or suppressed and no part of it is false.

Signed and verified this 15<sup>th</sup> day of November 1992 at Lucknow.

Lucknow :

Dated : 15 .11.92

  
Deponent

I identify the deponent who has signed before me.

  
(M. DUBEY), Adv.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALIABAD,  
CIRCUIT BENCH, LUCKNOW.

O.A. NO. 216 of 1990

Vikram Verma ... ... Applicant  
Union of India and others ... ... Respondents

ANNEXURE SR-1

28

C.C.S. (C.C.A.) RULES

[ RULE 11

X (23) **Imposition of the penalty of recovery.**—(a) *General conditions.*—In the case of proceedings relating to recovery of pecuniary losses caused to the Government by negligence or breach of orders by a Government servant, the penalty of recovery can be imposed only when it is established that the Government servant was responsible for a particular act or acts of negligence or breach of orders or rules and that such negligence or breach caused the loss.

In the case of loss caused to the Government, the competent disciplinary authority should correctly assess in a realistic manner the contributory negligence on the part of an officer, and while determining any omission or lapses on the part of an officer, the bearing of such lapses on the loss considered and the extenuating circumstances in which the duties were performed by the officer, shall be given due weight.

The amount of recovery of loss ordered as a measure of penalty can be reduced by the punishing authority at any later stage if it is found that the amount of loss sustained by the Government is less than that originally calculated. If, however, the loss is subsequently found to be nil, the case has to be reviewed by the competent authority for imposing an appropriate penalty. That authority will not, however, be competent to impose a penalty higher than that of recovery.

[ Rules 106, 107 and 111 of P. & T. Manual, Vol. III. ]

(b) *Manner in which charge-sheet to be framed.*—As is well known the penalty of recovery from pay is a special type of penalty which cannot be awarded in all types of misconduct. Rule 11 (3) of the C.C.S. (C.C.A.) Rules, 1965, clearly prescribes that the penalty of recovery from pay of the whole or part of the loss caused by the Government servant to the Government by negligence or breach of orders on his part can be awarded to him. Thus, the rule itself makes it clear that this penalty can be awarded only in a case where it has been established that the negligence or breach of orders on the part of a Government servant has led to the loss to the department. Instructions were also issued in the past bringing the special provision of the rule to the notice of all concerned, but it has been observed that the requirement of the rule could not be properly appreciated by most of the disciplinary authorities. In a recent Court case, an order of penalty of recovery has been set aside on the ground that the disciplinary authority merely established certain lapses on the part of the Government servant without explaining the facts leading to the loss and the manner in which the lapses on the part of the Government servant had a link with the loss sustained by the department. No appeal has been filed in this case as it was found that it would not be possible to sustain the order of the penalty of recovery which was not consistent with the rule referred to above. A number of frauds or misappropriations are committed and it is not always possible to recover the entire amount of loss from the real culprit. In some cases, it is not even possible to locate the real culprit and accordingly it becomes impossible to take action against the subsidiary offenders with the primary object of recovering loss sustained by the

Verma

department. It should be clearly understood by all the disciplinary authorities that while an official can be punished for good and sufficient reasons, the penalty of recovery can be awarded only if the lapses on his part have either led to the commission of the fraud or misappropriation or frustrated the enquiries as a result of which it has not been possible to locate the real culprit. It is, therefore, obligatory that the charge-sheet should be quite elaborate and should not only indicate clearly the nature of lapses on the part of the particular official but also indicate the *modus operandi* of the frauds and their particulars and how it can be alleged that but for the lapses on the part of the official, the fraud or misappropriation could be avoided or that successful enquiries could be made to locate the stage at which the particular fraud had been committed by a particular person. This will enable the accused not only to submit a defence against the allegation brought against him but also to explain how the lapses had not contributed to the loss in any manner. The disciplinary authority is also required to give a clear finding in the punishment order on both these points. If it is not done, the order, awarding the penalty of recovery will be liable to be set aside. The Heads of Circles and Administrative Offices, etc., are requested to bring these instructions to the notice of all concerned so that the disciplinary proceedings for a penalty of recovery may not suffer from a procedural flaw.

[ D.G., P. & T. No. 114/176/78-Disc. II, dated the 13th February, 1981. ]

(c) *Monetary limit*. It is clarified that the limit is Rs. 100/-

W.D. Dukar

M. Dukar  
M. Dukar  
Dukar

(A-19)

### 18. Common Proceedings

(1) Where two or more Government servants are concerned in any case, the President or any other authority competent to impose the penalty of dismissal from service on all such Government servants may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

NOTE.—If the authorities competent to impose the penalty of dismissal on such Government servants are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the others.

(2) Subject to the provisions of sub-rule (4) of Rule 12, any such order shall specify—

- (i) the authority which may function as the disciplinary authority for the purpose of such common proceeding;
- (ii) the penalties specified in Rule 11 which such disciplinary authority shall be competent to impose;
- (iii) whether the procedure laid down in Rule 14 and Rule 15 or Rule 16 shall be followed in the proceeding.

### GOVERNMENT OF INDIA'S INSTRUCTION

(1) Procedure of enquiry when two Government servants accuse each other.—In a recent case, two Government employees working in the same office made complaints against each other. The disciplinary authority initiated departmental proceedings against both the employees under Rule 17 of the C.C.S. (C.C.A.) Rules. The question whether it is legally permissible to enquire into the conduct of the accused and the accuser in one joint proceeding was examined in consultation with the Ministry of Law. Cross complaints arising out of the same or connected incident or transaction are not uncommon, and occur frequently in criminal cases. The Code of Criminal Procedure is silent with regard to the procedure to be adopted in such cases. The general principle as laid down by the Courts is that the accused in cross cases should be tried separately and that both the trials should be held simultaneously or in quick succession so as to avoid conflicting findings and different appraisal of the same evidence. On the analogy of the criminal law practice and procedure, a joint proceeding against the accused and accuser is an irregularity which should be avoided. This should be noted for future guidance.

[G.I., M.H.A., Letter No. 6/98/63-AVD, dated the 13th June, 1963.]

A joint proceeding against Government servants working in the same office who made complaint against each other should be avoided.

[Para. 19, P. & T. Manual, Vol. III.]

*Swami*  
*Swami*  
*M. Dikshu*  
*1/2/63*