

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 22 MAR 1988

APPLICATION NO

815

/ 87(F)

W.P. NO.

Applicant

Shri N.V. Nagaraju

To

Respondent
V/s The Supdt of Post Offices, Mandya Division,
Mandya & another

1. Shri N.V. Nagaraju
Ex-Branch Post Master
R/o Bimanahalli
Mandya District
2. Shri M. Madhusudan
Advocate
1074-1075, Banashankari I Stage
Bangalore - 560 050
3. The Superintendent of Post Offices
Mandya Division
Mandya - 571 401
4. The Director of Postal Services(SK)
Office of the Post Master General
Karnataka Circle
Bangalore - 560 001
5. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

22.3.88
Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~XXXXXX~~
passed by this Tribunal in the above said application on 15-3-88.

P.S. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

dc

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 15TH DAY OF MARCH, 1988

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO. 815/1987

Shri N.V. Nagaraj,
Ex. BPM, Bimanahalli,
Mandya District,
Mandya.

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Applicant

(Shri Madhusudan, Advocate)

v.

1. The Superintendent of
Post Office, Mandya
Division, Mandya.

2. Director of Postal
Services, Bangalore.

....

Respondents.

(Shri M.S. Padmarajaiah, C.G.S.S.C.)

This application having come up for hearing to-day,

Vice-Chairman made the following:

ORDER

In this application made under Section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged order No. STA/9-3/65/86 dated 21.11.1986 (Annexure-B) of the Director of Postal Services (SK) Bangalore (Director) and Order No.F.3-5/85-86 dated 2.6.86 of the Superintendent of Post Offices, Mandya Division, Mandya ('Superintendent') (Annexure-A).

2. At the material time, the applicant was working as Branch Post Master of Bheemanahalli Branch Post Office, Mandya District (BPO). When he was functioning in that capacity the authorities noticed various omissions and commissions and initiated disciplinary proceedings against him on two charges, which read thus:



"Article1: Sri N.V. Nagaraju while functioning as BPM, Bheemanahalli BO a/w Devalapura SO from 13.9.1985 to 19.11.1985 failed to pay Nagamangala TB extension MO No.963/18 dated 1.9.1985 for Rs.100/- to its payee Smt.

Nayamma w/o Marigowda, Guduvinapatna Village Bheemanahalli contravening the provisions of Rule 10 of book of BO rules and thereby failed to maintain absolute integrity and devotion to duty as required by Rule 17 of ED Agents (C&S) Rules.

Article 2: Sri N.V. Nagaraju while functioning as BPM in the aforesaid office during the aforesaid period produced a sum of Rs.33.55 (Rupees thirty three and paise fifty five) only towards office cash and stamp balance of Bheemanajalli BO as against a balance of Rs.184.07 (Rs. One hundred and eightyfour and paise seven) only on 5.11.1985 before C.II mandya when the latter visited the office and verified the cash and stamp balance of the office and failed to produce the balance sum of Rs.150.52 (Rupees one hundred and fifty and paise fiftytwo) only contravening the provisions of rule 11 of book of BO rules and thereby failed to maintain absolute integrity as required of him in rule 17 of the P&T ED agents (C&S) rules 1964."

On service of this charge memo, the applicant filed his statement on 1.5.1986 admitting his guilt and pleading for mercy.

3. On an examination of the charge memo, the statement filed before him and the records, the Superintendent on 21.6.1986 imposed on the applicant the penalty of removal from service with immediate effect. Aggrieved by this order, the applicant filed an appeal before the Director who by his order made on 26.11.1986 had dismissed the same. Hence this application.



4. In Justification of the impugned orders, the respondents have filed their reply and have produced the records.

5. Shri M. Madhusudan, learned Counsel for the applicant contends that the admission of guilt by his client was not voluntary and was obtained under coercion and therefore, the same cannot be relied on to hold him guilty of the charges levelled against him.

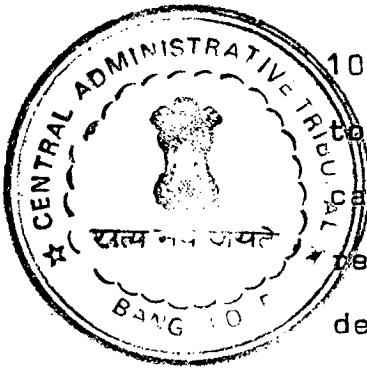
6. Shri M.S. Padmarajaiah, learned Counsel for the respondents contends that the admission of guilt by the applicant was voluntary and the same cannot be allowed to be retracted by him before this Tribunal.

7. We have perused the statement filed by the applicant in Kannada. We are satisfied that the statement made by the applicant was a voluntary statement and was not obtained under compulsion or coercion.

8. In the statement filed before the Superintendent, the applicant had admitted the charges levelled against him.

9. When once we find that the applicant had admitted his guilt the finding recorded by the DA upheld by the AA cannot be interfered by us.

10. Shri Madhusudan next contends that having regard to all the facts and circumstances of the case it is a fit case in which the applicant should be given a chance to rehabilitate himself in the Society by directing the respondents to reinstate him into service.



11. Shri Padmarajaiah contends that the facts and circumstances does not warrant any interference on the quantum of punishment imposed on the applicant.

12. The charges levelled against the applicant are serious. On an examination of the charges and all other facts and circumstances, the Superintendent had imposed the minimum and irreducible punishment of removal provided under the Rules with which the Director had concurred. We see no justification whatsoever to interfere with the quantum of punishment imposed on the applicant.

13. An order of removal does not bar a fresh appointment. Whether a fresh appointment should be given to the applicant or not is for the authorities to examine. We express no opinion on the claim of the applicant for a fresh appointment.

14. As all the contentions urged by the applicant fail this application is liable to be dismissed. We, therefore, dismiss this application. But in the circumstances of the case we direct the parties to bear their own costs.

Sd/-

VICE-CHAIRMAN 15/2/78

TRUE COPY

bsv/Mrv.

Sd/-

MEMBER (A) 15-2-78

DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE 2/2/78