

REGISTERED

10
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 3 OCT 1988

APPLICATION NO.

79

88(F)

W.P. NO.

Applicant(s)

Shri G.V. Joshi

To

1. Shri G.V. Joshi
S/o Shri V. Joshi
At & P.O. Munasagi
Gulbarga District

2. Shri M. Raghavendra Achre
Advocate
1074-1075, Banashankari I Stage
Sreenivasa Nagar II Phse
Bangalore - 560 050

3. The Senior Superintendent of Post Offices
Dharwad - 580 008

Respondent(s)

v/s The Senior Supdt. of Post Offices, Dharwad
& another

4. The Director of Postal Services
North Karnataka Region
Dharwad - 580 001

5. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/STAY/EXTEMPORARY ORDER
passed by this Tribunal in the above said application(s) on 21-9-88

Arif
K. Malhotra
3-10-88

Encl : As above

jc for DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE TWENTY FIRST DAY OF SEPTEMBER, 1988

PRESENT: HON'BLE SHRI JUSTICE K.S. PUTTASWAMY ... VICE-CHAIRMAN
HON'BLE SHRI P. SRINIVASAN ... MEMBER (A)

APPLICATION NO. 79 OF 1988

Sri G.V. Joshi,
S/o. V. Joshi,
At & Post: Hunasigi,
District: Gulbarga.

Applicant

(Shri M.R. Achar..... Advocate)

1. Senior Superintendent of
Post Offices,
Adhoc Disciplinary Authority,
Dharward.

2. The Director of Postal
Services, North Kanara,
Dharwad.

Respondents

(Shri M.S. Padmarajaiah.... Advocate)

This application having come up for
hearing before this Tribunal to-day, Hon'ble Shri P.
Srinivasan, Member (A), made the following :

O R D E R

M

The applicant who was working as Sub-
Post Master, Bijaspur Sub Office of the Posts and
Telegraphs Department during the period from 13.2.1980
to 17.7.1983 was served with a memo dated 27.10.1986

P. S. Iyer



by the Senior Superintendent of Post Offices, Gulbarga proposing to initiate disciplinary proceedings in respect of three articles of charge. In substance, the articles of charge were that the applicant failed to render account of blank national saving certificates supplied to him as well^{as} as moneys received by him from ~~the~~ customers for purchase of national saving certificates. It was alleged that in this manner, the applicant had misappropriated a sum of Rs. 6,000/-.

In the course of the disciplinary proceedings, the applicant admitted to the misappropriation, repaid not only the amount of Rs. 6,000/- mentioned in the charge, but also further amounts totalling about Rupees 15,000.00 which he was alleged to have ~~been~~ misappropriated in other transactions as well. The Inquiry Officer appointed for the purpose held that the charges against the applicant had been proved. The Senior Superintendent of Post Office, Dharwad ('DA') agreeing with the findings of the Inquiry Officer imposed the penalty of dismissal from service on the applicant by order dated 25.3.1987 (Annexure-A). The applicant filed an appeal to the Director of Postal Services, Dharwad, Appellate Authority ('AA'). But, this appeal was also dismissed by order dated 12.8.1987. In this application the applicant challenges the orders of the disciplinary and appellate authorities dated 25.3.1987 and 12.8.1987 respectively.

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28 Sri M.R. Achar, learned counsel for the applicant submitted that even though the applicant had admitted to the defalcation of funds and had repaid the amounts, the punishment imposed was too severe. The applicant had rendered more than 20 years of service but all of this has been erased by one stroke denying him all terminal benefits. He, therefore, pleaded that the punishment be reduced.

39 Sri M.S. Padmarajaiah learned counsel for the respondents strongly opposed the contentions of Sri Achar and submitted that the penalty imposed was commensurate with the gravity of the offence committed by the applicant and that, therefore, this Tribunal should not interfere with the same.

40 Having given the matter careful thought, we are of the view that this application is totally devoid of merit and deserves to be dismissed. The facts that finally emerge out of the inquiry are that the applicant had misappropriated over Rs. 6,000/- belonging to the postal department and on this being found out, he had confessed to the guilt and repaid the amount. Not only that, the order of the appellate authority reproduces a statement of the applicant that he had repaid a total amount of Rs. 21,575.73 towards the amounts misappropriated by him. No doubt this fact is mentioned by the appellate authority as part of the applicant's contention that for having voluntarily repaid the amount, he should be treated sympathetically. However,



PL 4

this shows that the applicant is a totally unreliable person who systematically misappropriated large funds belonging to the Government. We are unable to see how we can reduce the penalty imposed on the applicant for an offence so grave as that. We, therefore, decline to interfere with the quantum of penalty.

5th In the result, the application is dismissed. But, in the circumstances of the case, parties to bear their own costs.



Sd/-

VICE-CHAIRMAN (P)

Sd/-

MEMBER (A)

TRUE COPY

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SECTION OFFICER 316
CENTRAL ADMINISTRATIVE TRIBUNAL
ADMINISTRATIVE LIAISON
DEPARTMENT OF EXTERNAL AFFAIRS