

severe punishment. Even as regards Article No.2 the applicant does not deny that there was a shortage of cash and stamps on the day of surprise check and in fact he made good the amount after about a week. The point made by Shri Achar was that the shortage was not necessarily due to the applicant but the postal assistant could equally well have misappropriated the same. We, however, find that the Inquiry Officer has examined the evidence before him and has rightly come to the conclusion on such evidence that the applicant was guilty in respect of Article of Charge No.2 also. We see no reason to differ from this finding. We, therefore, find no justification to interfere with the finding of guilt or with the quantum of punishment in this case.

6. In the result, the application is dismissed. Parties to bear their own costs.



TRUE COPY

Sd/-

VICE CHAIRMAN 2/12

Sd/-

MEMBER (A)

np/mr.

Reddy 22/12/88

having admitted these charges, he did not have any argument to make. Shri Achar finally submitted that considering the long service put in by the applicant, he could at least have been given a part of the gratuity by way of compassionate allowance.

4. Shri M.S. Padmarajaiah, learned Standing Counsel appearing for the respondents strongly opposed the contentions of Shri Achar and supported the orders of the authorities.

5. We have considered the matter carefully. We are of the view that even on the basis of articles of charges 1,3 and 4, which the applicant accepted and in respect of which, therefore, the findings of guilt cannot be disturbed, the punishment awarded to the applicant is ~~fair~~ ^{fair} and reasonable. It may be noticed here by way of illustration that in Article No.3 the applicant was charged, *inter alia*, of not crediting an amount of Rs 4,815/- received by him on 10.1.1986 till 31.1.1986 that is for a period of over 20 days. Again in Article No.4, the applicant was charged with the following delays in accounting for and remitting the amounts received by him:-
Rs 5,000.00 received by him on 1.2.1986 was accounted for by him and the amount was actually remitted to Government account on 17.2.1986; a sum of Rs 2,900.00 received by him on 7.8.1986 was remitted only on 30.8.1986, a sum of 3,100.00 received on 18.9.1986 was remitted on 18.10.1986 and finally a sum of Rs 8,750.00 received on 6.11.1986 was credited as late as on 6.12.1986. The long delay in crediting fairly large amounts received by him was indeed a very serious act of misconduct which deserves

Disciplinary Authority concurring with the findings of the Inquiry Officer and after taking into account the fact that the applicant had put in long years of service, imposed the penalty of dismissal from service with immediate effect with a compassionate allowance not exceeding 2/3rds of the pension which would have been admissible to him if he had retired on compensation pension. The applicant filed an appeal to the Appellate Authority, which was dismissed by order dated 20.4.1988 in which the contentions of the applicant were set out and the Appellate Authority noticed that the length of service put in by the applicant had indeed been kept in mind by the disciplinary authority in imposing the punishment. In view of this, the Appellate Authority upheld the penalty and dismissed the appeal.

3. Shri M.R. Achar, learned counsel for the applicant fervently contended that the main reason for imposition of penalty on the applicant, as seen from the orders of the disciplinary and Appellate Authorities was the charge in Article No.2 which the applicant had denied. The applicant had strongly denied that he had misappropriated the amounts and only to save harassment he had reimbursed the sum of Rs 8,241.55 within one week of the discovery of the shortage. It was not a case of a continuing shortage. So far as other articles of charge were concerned, Shri Achar fairly conceded that the applicant

P. J. K.



compassionate allowance towards gratuity.

2. Four articles of charge were levelled against the applicant in the inquiry which was initiated against him. The first article of charge was that he remained absent from duty from 29.12.1986 without obtaining prior permission. The second article of charge was that on a surprise check on 29.12.1986 in the Sub-Post Office a shortage of cash and stamps to the extent of Rs 8,241.55 was discovered and the applicant subsequently made good this shortage after a week. The third and fourth articles of charge recount that the applicant did not account for amounts received by him towards Recurring Deposit account and towards purchase of National Savings Certificates for long periods of time after the amounts were received by him. Since the applicant did not give his reply to the memo served on him along with the articles of charge within the time allowed, an Inquiry Officer was appointed to conduct an inquiry into the articles of charge. Before the Inquiry Officer, the applicant admitted to articles of charge Nos. 1, 3 and 4 but denied article of charge No.2 wherein the shortage of cash and stamps totalling Rs 8,241.55 was mentioned. The Inquiry Officer after considering the evidence of witnesses that came before him held the applicant guilty of this charge also. Thus, the Inquiry Officer held him guilty of all the four charges. The

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE SEVENTH DAY OF DECEMBER, 1988

Present: Hon'ble Shri Justice K.S. Puttaswamy .. Vice Chairman
Hon'ble Shri P. Srinivasan .. Member (A)

APPLICATION NO. 910/1988

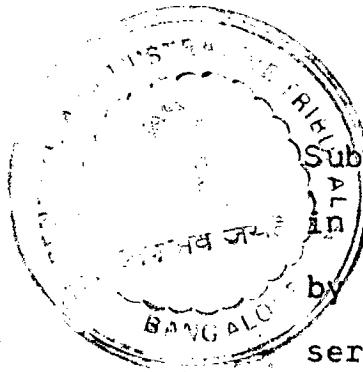
Shri C.S. Gopalakrishna
S/o. B. Shamarao
C/o. V.G. Mukundarao
Teacher
3rd Cross, Subhash Nagar
Mandy. .. Applicant
(Shri M.R. Achar, Advocate)

Vs.

1. Director of Postal Services
S.K. Region, Bangalore.
2. The Post Master General
in Karnataka, Bangalore. .. Respondents
(Shri M.S. Padmarajaiah, Advocate)

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

ORDER


The applicant who was working as a
Sub-Post Master in the Halagur Post Office is aggrieved
in this application with the order dated 8.2.1988 passed
by the Disciplinary Authority dismissing him from
service as well as order dated 20.4.1988 passed by the
Appellate Authority confirming the penalty. The
disciplinary authority however allowed the applicant
by way of compassionate allowance 2/3rds of the pension
which would have been admissible to him if he had retired
on compensation pension but did not grant him any

P. Srinivasan

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 22 DEC 1988

APPLICATION NO.

910

/88(F)

W.P. NO.

Applicant(s)

Shri C.S. Gopala Krishna
To

V/s

Respondent(s)

The Director of Postal Services, S.K. Region,
Bangalore & another

1. Shri C.S. Gopala Krishna
C/o Shri V.G. Mukundarao
Teacher
3rd Cross
Subhash Nagar
Mandy
2. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Sreenivasanagar II Phase
Bangalore - 560 050
3. The Director of Postal Services (S.K.)
Office of the Post Master General
Karnataka Circle
Bangalore - 560 001
4. The Post Master General
Karnataka Circle
Bangalore - 560 001
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/~~STAMP~~ passed by this Tribunal in the above said application(s) on 7-12-88.

*3/88/88
K.M.L.W.
23-12-88*

Encl : As above

ofc

AP/stry
SECTION OFFICER
~~REPUTATION~~
(JUDICIAL)

Recd by post
6/11/95



179

SECTION IV-A
SUPREME COURT OF INDIA
NEW DELHI.
DATE: 18/11/95

REMARKS:-

The Registrar
Supreme Court of India,
New Delhi.

The Registrar
Section of

✓

Central Administrative
Bench, Bangalore

Enter in SLP Register, Main Register
add to file & note. No need to
offer R/R 14B of Rop '93 as the
Hon Members who passed
the order are no longer
with CAT.

8/11/95

~~SO/24~~

✓
OSTWIR

Sri B

OSTWIR

PETITION FOR PETITION NO. 13461 195

petition under Article 134(1) of the Constitution of India from

a. Judgments and orders of
the ~~High Court of Bangalore~~

7-12-88

Central Admin. Tribunal Bangalore

Appln. No. 910/88

S. GOPALA KRISHNA

... PETITIONER(S)

- v -

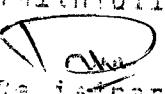
RECEIPT OF POSTAL COMMUNICATION

... RESPONDENT(S)

I am directed to inform you that the petition above-mentioned
in the Supreme Court was filed on
the Court on 21/11/95

Deeksha

I am faithfully


For Registrar

OPY TO
P. MANASI (Adv)