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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~NEW~~ BOMBAY BENCH

O.A. No. 635/91

~~XXXXX~~ No.

198

DATE OF DECISION 10.3.1992

Shri Mohan K. Shirsat Petitioner

Shri D.B. Walthare Advocate for the Petitioner (s)

Versus

The Sr. Post Master & Another Respondent

Shri Ramesh Darda, Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. JUSTICE U.C. SRIVASTAVA, VICE CHAIRMAN

The Hon'ble Mr. M.Y. PRIOLKAR, MEMBER (A).

1. Whether Reporters of local papers may be allowed to see the Judgement ? *N*
2. To be referred to the Reporter or not ? *N*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *N*
4. Whether in needs to be circulated to other Benches of the Tribunal ? *U*

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(U.C. SRIVASTAVA)
VICE CHAIRMAN.

(4)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, CAMP AT NAGPUR.

O.A.635/91.

Shri Mohan K. Shirsat,
Ex-E.D. Stamp Vendor,
Mukundwadi, Infpont Arjun
Ingle's Shop, Bhim Nagar,
AKOLA.

.. Applicant.

Vs.

1. The Senior Post Master,
Akola.
2. The Director Postal Services,
Nagpur.

.. Respondents.

Coram : Hon'ble Shri Justice U.C. Srivastava, Vice Chairman.
Hon'ble Shri M.Y. Priolkar, Member (A).

Appearances:

Shri D.B. Walthare,
Advocate for the applicant.

Shri Ramesh Darda, Counsel
for the Respondents.

ORAL JUDGMENT:

Dated : 10.3.1992.

{ PER : Hon'ble Shri U.C. Srivastava, Vice Chairman }

The applicant was working as Extra Departmental Stamp Vendor in Akola Head Post Office. After the Departmental Inquiry the applicant has been dismissed from service by a speaking order. As a part of the duty the applicant had to purchase stamps from Treasurer by tendering cash alongwith requisition. On the date of incident he did not purchase the stamps and it was noticed by the Assistant Post Master at 1320 Hrs. The applicant was not left the office on 1115 to 1130 Hrs and he had left counter keeping stamp box open for purchase of stamps. According to the applicant the cash of Rs.254.85 was tendered for purchase of stamps but the same was

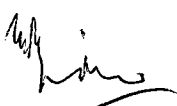
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O.A.635/91.

found to be incorrect. So far the loss of the amount is concerned the applicant ~~had~~ volunteered ~~to~~ deposit the said amount. After departmental inquiry the applicant was ~~found~~ ^{found guilty} of breach of Rules and that is why the punishment order was awarded. So far as the inquiry is concerned we have not been able to find that it will be a case of double penalty as for the same offence not only he has been penalised inasmuch as he has been required to deposit the particular amount and at the same time he has been dismissed from service. So far the deposit of the amount is concerned ~~as~~ the applicant ~~himself~~ volunteered to deposit the said amount. There appears no infirmity in the orders passed by the disciplinary authority or the appellate authority. It may be that they may have taken ~~line~~ ^{harsh} step ~~as~~ but it was within their jurisdiction and in case in a particular case the interest of justice is exercised by passing this order they could have done so.

The application having no merits, ~~and~~ it is accordingly dismissed. There will be no order as to costs.


(M.Y. PRIOLKAR)
MEMBER (A).


(U.C. SRIVASTAVA)
VICE CHAIRMAN.

ham/-.