

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 880/1992

Date of Decision: 8.1.92

Shri. Bhimrao Bhopiji Mohod

Petitioner/s

Shri C.B. Kale

Advocate for the
Petitioner/s

V/s.

Shri H.G. Lokhande,

Respondent/s

Ex-Sr. Supdt. Aurangabad and others.

Shri S.S. Karkera for
Shri P.M. Pradhan.


Advocate for the
Respondent/s

CORAM:

Hon'ble Shri B.S. Hegde, Member (J)

Hon'ble Shri M.R. Kolhatkar, Member (A)

- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?


(B.S. Hegde)
Member (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH 'GULESTAN' BUILDING NO: 6
PRESCOT ROAD, BOMBAY:1

Original Application No. 880/92

8th the Wednesday day of January 1997.

CORAM: Hon'ble Shri B.S. Hegde, Member(J)
Hon'ble Shri M.R. Kolhatkar, Member(A)

Bhimrao Bhopiji Mohed
SubPostmaster,
Dhamangaongodhi,
Taluka Achalpur
Dist. Amravati.

... Applicant.

By Advocate Shri C.B. Kale.

V/s.

Shri H.G. Lokhande
Ex- Sr. Supdt.
Post Offices Amravati Division
residing at Rajshwari Pannalal
Nagpur Kranti Chowk, Aurangabad.

Regional Director of Postal Services
Vidarbha Region O/O the P.M.G. Nagpur
Region Maharashtra Circle Nagpur.

Member(Personnel) Postal Services
Board Govt. of India,
Ministry of Communication,
Deptt. of Posts, New Delhi.

... Respondents.

By Advocate Shri S.S.Karkera for Shri P.M.Pradhan.

O R D E R

¶ Per Shri B.S. Hegde, Member(J) ¶

Heard the learned counsel for the parties,
and perused the records.

The short point for consideration is whether
the imposition of with holding of increment against the
applicant for a period of two years without effecting
the future increments is justified in the facts and
circumstances of the case.

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The applicant has been serving since 1964 in the Postal Department and at present he is working as Subpostmaster Dhamangaon gadhi as Lower Selection grade in the scale of Rs. 1400 - 2300. The applicant is a Member of the Nagpur Central P & T Co-operative Society Ltd. and as he had taken loan from the Society monthly instalments of about Rs. 270/- were being recovered from his pay during the years 1988 and 1989 while he was working as Subpostmaster Daryapur Town. The contention of the applicant is that he had strained relations with respondent No.1. Therefore, respondent No.1 has intentionally initiated the disciplinary proceedings against the applicant. Both the parties relies upon Rule 559 Financial Handbook. While working as Sub-Postmaster, Daryapur, the applicant was disbursing Officer for making payment and also was responsible to effect recovery from the officials. The applicant was charge-sheeted under Rule 16 of the G.C.S.(C.C. &A) Rules 1965 and was punished by withholding increments for 2 years. Against which the applicant has preferred an appeal to the Director of Postal Services, Nagpur and the said appeal was rejected on 29.8.91. Thereafter, the applicant filed a Review Petition under Rule 29 before the Ministry which has been rejected by the Member, Postal Services Board, New Delhi on 1.11.91.

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The Rule 559 , Financial Hand Book which specifically deals with how the recoveries has to be met from the employees who has taken loans from the Co-operative Societies, which reads as follows:

" Recoveries from the salary of Government servants on account of dues of co-operative societies, registered under the various co-operative Societies Acts, where such Acts impose a statutory obligation on the Government to make such deductions, shall be made by the Drawing and Disbursing Officer in accordance with such procedure as may be laid down by the Government from time to time."

The Drawing and Disbursing Officer should effect the recoveries on account of dues of Co-operative Societies from the salary of the employees employed in those offices kept out of account, shall be sent to the Head Post Offices in the account bag duly entered in the back side of sub-office account.

In the light of the above, the question whether the Drawing and Disbursing office who has collected the money from the employees is required to remit the account immediately after the receipt of the same to the Head Office or not. On perusal of the statement of imputation of mis-conduct issued against the applicant it is clear that the applicant is required to remit the amount immediately after collecting from the employees salary to the Head Office. The applicant should have remitted the amount on first or 2nd at least but on various occasion the applicant has remitted the amount on 4th, 7th and 8th of the

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respective month which is a belated one. As per the procedure in vogue the Drawing and Disbursing Officer should effect the recovery of the Co-operative Society as per appendix 29 of the Financial Hand Book which clearly envisaged that the amount collected by sub.post offices at the time of disbursement of pay and allowances to the staff employed in those offices and kept out of account shall be sent to the Head Office in the account bag duly entered in the back side of sub-office account. The applicant had recovered the amount from the salary of self and others and instead of remitting immediately to the Head office remitted the same on subsequent dates. In the instant case the applicant was a Sub-Postmaster should have remitted the dues of the Co-operative Society to the Head Office on the same day duly entered in the sub-office daily account because there was only one deduction from the pay of one member, therefore, there was no question of amalgamation of the dues of other offices. Therefore, as soon as the recoveries of the society are made, the applicant should have remitted the cash in daily account available for despatch to the Head office which has not been done by the applicant. The contention of the applicant that the dues of the Co-operative Society has to reach the Head office on or before 10th of every month which contention is not justified and tenable, because only the Head office had to wait remittances from other sub-offices till 10th of the month.

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It is an admitted fact that the recoveries of the society are made as per the provisions of Rule 559 which is the only procedure which is applicable and binding on all Drawing and Dispensing Officers and no other procedure has either ever been prescribed or allowed to be followed. The Competent Authority has given due explanation as to why they have imposed penalty of withholding of increment for 2 years. Therefore, The Tribunal cannot sit in appeal over the judgement of the disciplinary authority unless it is proved malafide or arbitrary.

In the result, we do not see any merit in the O.A. and the same is dismissed. No order as to costs.

M.R. Kolhatkar

(M.R. Kolhatkar)
Member(A)

B.S. Hegde

(B.S. Hegde)
Member(J)

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