

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

DA 916/90.

Dt. of Order: 4-11-93.

Mrs.U.Rajyalakshmi

...Applicant

Vs.

1. The Secretary,
Ministry of Communication,
Department of Posts,
Dak Sadan, New Delhi-110001.

2. Member (Personel),
Postal Services Board,
New Delhi.

3. The Director of Postal Services,
A.P.Northern Region,
O/o Post Master General, Andhra Circle,
Abids, Hyd-1.

4. Sr.Post Master,
Head Post Office, Sec'bad-500 003.

...Respondents

--- --- --- ---

Counsel for the Applicant : Shri S.D.Kulkarni

Counsel for the Respondents : Shri N.V.Ramana, Addl.CGSC

--- --- --- ---

CORAM:

THE HON'BLE JUSTICE SHRI V.NEELADRI RAO : VUCE CHAIRMAN

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

--- --- --- ---

....2.

Date: 4-11-1994

W

JUDGMENT
As per Hon'ble Sri R. Rangarajan, Member (Administrative) I

The applicant is working as a Postal Assistant in the Head Post office, Khairtabad, Hyderabad City Division. Earlier the applicant had worked as Postal Assistant in Ongole Head Post Office from June, 1985 to May, 1987 in the S.B. Department as S.B. Ledger Clerk. Another postal employee by name Sri M. Anjaneyulu, who was a ^{S.B.} Counter P.A. in the same post office had misappropriated huge amount of deposits to the extent of Rs.54,850/- received from the public. The applicant was issued with a Charge Memo dt. 14.6.1988 (Annex.II page 13) alleging that she failed to comply with the provisions of Rule 424(2) of P & T Manual, Vol.VI, Part-II and thus failed to detect the non-credits by the S.B. Counter P.A. and thus gave a chance to S.B. Counter P.A. to commit further frauds. It was imputed that the applicant did not maintain devotion to duty as required in Rule-3(i)(ii) of CCS(Conduct) Rules, 1965. It is indicated in the charge sheet that Sri M. Anjaneyulu, during the period from June, 1985 to May, 1987 failed to account following deposits in some S.B.accounts which, the applicant, in her capacity as S.B. Ledger PA failed to verify the pass books along with pay-in-slips before posting in the ledger cards in respect of all the transactions exceeding Rs.500/- as required under Rule-424(2) of P&T Manual, Vol.VI, Part-II.

S.B.A/c. No.	Date	Amounts not accounted for by Sri M.Anjaneyulu		Date	Amounts not accounted for by Sri M.Anjaneyulu
		Dep. Rs.	Wdl. Rs.		
303429	25-9-86	1500-00	--	29-1-87	10,000-00
	26-11-86	--	300-00	--	--
	22-12-86	--	350-00	--	--
313812	18-11-86	1000-00	--	24-12-86	1,000-00
	24-12-86	2100-00	--	--	(instead of Rs.3100/- only Rs.1000/- accounted for)
		(out of Rs.3100/- only Rs.1000/- accounted for)			Rs.100/- acc- ounted for)
	31-12-86	200-00	--	--	--
302423	23-1-86	1400-00	--	24-10-86	6,000-00
310723	20-11-86	500-00	--	17-1-87	1,000-00
	15-12-86	500-00	--	--	--
311309	22-12-86	2100-00	--	30-1-87	3,100-00
309963	22-9-86	2000-00	--	6-11-86	4,000-00
				17-12-86	1,000-00
				27-01-87	2,000-00

2. The disciplinary authority, after necessary enquiry and by order dt. 30.9.1988 on receiving explanation from the applicant, had imposed the penalty of recovery of Rs.5,000/- from the applicant in 25 equal instalments against the loss of Rs.54,850/- caused to the Government. The applicant preferred an appeal to the 3rd respondent who is the appellate authority. The appellate authority by his proceedings dt. 16-12-1988 bearing No.RDH/ST/21-3/45/88 (Annex.VI page-27) had confirmed the penalty imposed by the disciplinary authority. The applicant had also further appealed to the 2nd respondent for setting aside the orders of the disciplinary authority and as confirmed by the appellate authority. By orders dt. Nov., 1989 bearing No.2/528/89-Vig.III (Annex.I pg.9) 2nd respondent rejected the appeal petition filed by the applicant.

D

3. Aggrieved by the above said penalty, the applicant has approached this Tribunal by filing this O.A. praying for a relief to set aside the order of recovery of Rs.5,000/- imposed on her.

4. The contentions of the applicant are -

(i) the recovery imposed on the applicant is contrary to Rule-11 of CCS(CCA) Rules, 1965 in as much as the pecuniary loss has not been caused by her, but it has been caused due to non-adherence of D.G.P.&T.'s instructions.

It is further stated that the said rule permits recovery ⁱⁿ ~~in~~ ^{only a} case where an individual was personally responsible for causing pecuniary loss to the Government,

(ii) in this case, it can at best be said that not following the prescribed procedure would amount to negligence for which she is not liable for pecuniary loss. Ordering recovery of Rs.5,000/- from the pay of the applicant is, therefore, totally against the rules.

5. The learned counsel for the applicant relied upon I 1988 (8) ATC 673 - CAT, Madras - C.N.Harihara Nandan Vs. Presidency Post Master, Madras GPO and another I wherein the applicant therein was charge-sheeted for a similar case and punishment imposed on him was set aside as he was responsible only technically.

6. According to the respondents, in the 'Instant Counter System' Counter P.A. has powers to accept deposits and sign the pass-books in token thereof and dispose of the depositors ^{if the deposit} ~~if the deposit~~ ^{withdrawals are less than} immediately with the counterfoil of the pay-in-slip. The responsibility of the Ledger Clerk ~~is~~ to get every sixth

entry in regard to deposits/withdrawals not exceeding Rs.500/- verified with pay-in-slips had been clearly brought out in the instructions of D.G.P.&T. vide letter dt. 17.2.1983. The same circular also insists for verification of every entry if it exceeds Rs.500/-. The counter concedes that it is a fact that one Sri M.Anjaneyulu had received the deposits during Sep., 1986 to Jan., 1987 from public on various occasions and misappropriated huge sums. An investigation had taken place thereafter which revealed that huge pecuniary loss was incurred by the postal department. It is the case of the respondents that had the applicant followed the detailed instructions ^{relating} issued ~~relation~~ to verification of every entry in regard to deposit/withdrawal exceeding Rs.500/- in the pass-book, this would have helped in identifying the missing credits much earlier i.e. by 24-10-1986 (vide deposit of Rs.6000/- in regard to S.B.No.302423). By not doing so, the applicant was responsible for gross negligence of duty. Her failure thus resulted in non-detection of frauds committed by Sri Anjaneyulu and ~~mix~~ misappropriation on his part.

7. We have perused the papers carefully. We have also heard the arguments of both the sides.

8. The analysis of the charge-sheet and orders passed by the disciplinary authority and appellate authority, make it clear that the applicant has contributed for causing pecuniary loss to the Government by her lapses. It has been stated in the charge sheet that the applicant in her statement dt. 5.3.1987 admitted that she did not verify the pass books while posting the transactions exceeding Rs.500/- in the ledger cards. On a perusal of the deposits received and accounted for by Sri Anjaneyulu, as extracted above in para-1, it can be clearly seen that there are number of deposits/transactions which exceed

51

Rs.500/-.. The applicant failed to discharge her duties in verifying the transactions as per the instructions issued by the department. Had the applicant verified the pass-books along with pay-in-slips before posting the transactions in the Ledger Cards in respect of all transactions exceeding Rs.500/- as required under rule 424(2) of P&T Manual, Vol.VI, Part-II the pecuniary loss could have been avoided and the fraud could have been detected much earlier. It is also seen that the applicant did not insist on production of pass books for every entry exceeding Rs.500/- at the time of posting of transactions in the Ledger Cards. It is also seen from the punishment orders that the applicant failed to notice the corrections and overwritings in the date and date stamp impression in respect of entry of deposit of Rs.3,000/- in respect of S.B.Account No.313730 which had taken place on 11.8.1986. The plea that the applicant was only technically responsible due to her non-compliance of instructions issued by D.G.P.&T. by not getting entries exceeding Rs.500/- properly verified cannot be accepted. As a responsible Ledger Clerk the applicant cannot overlook the instructions and plead not guilty. Technical lapses on the part of the applicant, if it does not involve any pecuniary loss to the Government or does not lead to any fraud on the part of her co-workers can be to certain extent dealt with leniently. But, if it leads to misappropriation of funds thereby causing loss to the Government, ~~such lapses~~ cannot be dealt with leniently. The lapses on the part of the applicant, had definitely contributed in not only causing loss to the P & T department, but led to the delay in detection of fraud. Hence, the plea that it is only a technical lapse on the part of the applicant which should be dealt with leniently can not at all be accepted and has to be viewed seriously.



The submission of the applicant that she is not aware of the instructions circulated vide PMG, Hyderabad letter No.SB/1-4/85 dt. 24.12.1985 cannot absolve of her responsibilities.

The officials are expected to know the changes taking place from time to time relating to the Branch in which she/he is working. The charges levelled against the applicant are specific and were discussed at every stage of the proceedings as to how her lapses contributed largely for perpetuation of frauds by the Counter P.A.

9. The applicant, as stated supra, relied on the Judgment of the Madras Bench of this Tribunal in O.A.No.498 of 1987 dt. 12.9.1988 for setting aside the punishment order. We have gone through the said Judgment. A perusal of the judgment will clearly ^{indicate} ~~state~~ that the applicant therein had failed to check every sixth entry and verified through the Ledger Cards. This would mean that all the amounts deposited in that case is less than Rs.500/-, but whereas in the present case the deposits were exceeding Rs.500/- as can be seen from para-1 above. Hence, we are of the opinion that the said O.A. can be easily differentiated from the present O.A. and hence we do not propose to follow the same. The negligence on the part of the applicant in verifying the transactions exceeding Rs.500/- had resulted in huge pecuniary loss to the Government and perpetuation of frauds by her co-worker.

10. Hence, we hold that had the applicant been vigilant in discharging her duties and verified the transactions exceeding Rs.500/- in terms of the instructions issued by the D.G.P.&T. the fraud could have been detected much earlier. In this view of the matter we do not propose to interfere with the orders

already passed by the Disciplinary Authority and confirmed by the appellate authority. Hence, the O.A. is dismissed.

11. The parties to bear their own costs.

one
(R. Rangarajan)
Member (A)

4/17

V. Neeladri Rao
Vice-Chairman

Dated 4th November, 1993.

Deputy Registrar (D)

Grh.

To

1. The Secretary, Ministry of Communication,
Dept. of Posts, Dak Sadan, New Delhi-1.
2. The Member (Personel) Postal Services Board, New Delhi.
3. The Director of Postal Services,
A.P. Northern Region,
O/o Postmaster General, Andhra Circle, Abids, Hyd-1.
4. The Sr. Post Master,
Head Post Office, Secunderabad-3.
5. One copy to Mr. S. D. Kulkarni, Advocate, 98^{ft} F&T Colony,
Trimulgherry, Hyderabad.
6. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

pvm

Post Box 5163

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A.B. GORTI : MEMBER(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER(JUDL)

AND

THE HON'BLE MR. P.T. TIRUVENGADAM: M(Z)

Dated: 4 - 11 - 1993

ORDER/JUDGMENT:

M.A./R.A./C.A. No.

in

O.A. No. 916/90.

T.A. No. (W.P.)

Admitted and Interim directions
issued

Allowed.

Disposed of with directions
Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

