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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. 572/91

Dt. of Decision : 24.3.1994.

V.V.R.N.P. Ranga Rao

.. Applicant.

Vs

Union of India represented by:

1. The Secretary to Government,
Department of Posts,
New Delhi.
2. Director of Postal Services,
O/o The Post Master General,
Vijayawada.
3. The Senior Superintendent of
Post Offices,
Eluru.

.. Respondents.

Counsel for the Applicant : Mr. K.S.R. Anjaneyulu

Counsel for the Respondents : Mr. NV. Raghava Reddy,
Addl. CGSC.

CORAM:

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY : MEMBER (JUDL.)

THE HON'BLE SHRI H. RAJENDRA PRASAD : MEMBER (ADMN.)

12

ORDER

[As per Hon'ble Shri T. Chandrasekhara Reddy, Member(J)]

This is an application filed under Section 19 of the Administrative Tribunals Act to set aside the order of removal dated 29.6.90 passed as against the applicant by the Disciplinary authority and as confirmed by the Appellate Authority as per his orders dated 10.12.90 and to reinstate the applicant into service with all consequential benefits and pass such other order or orders as may deem fit and proper in the circumstances of the case.

2. Facts giving rise to this OA in brief, are as follows:

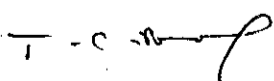
3. The applicant herein was working as Branch Postmaster in the year 1988 at P. Rajavaram Post office account with Jeelugumilli Sub Office. It is ~~said~~ said that ~~that~~ the applicant ~~was~~ working as Branch Postmaster at the said post office since 1978 onwards. A surprise check was conducted by the ^{Sub-Divisional} Inspector of Postoffices/ at the postoffice ~~where~~ where the applicant was working. The Sub-Divisional Inspector, who is the inspecting authority found a shortage of Rs.129.55 in cash and stamp balances. He also further found that the applicant had not paid an amount of Rs.21.10 to the depositor of SB account ~~though~~ though the account was closed on 23.12.88. So, in view of the shortage of cash and postal stamps and as the applicant had not paid Rs.21.10 to the depositor of SB A/c though the account was closed on 23.12.88, the applicant was placed under put off duty w.e.f. 29.12.88 and it was found that there was a prima facie case to be enquired into into the alleged misconduct of the applicant. However, the applicant credited the said amount of Rs.21.10 on



29.12.88 and Rs.129.55 on 30.12.88 under UCR and also made good the rupees of 129.55 towards shortage of cash and stamp balance. In view of the alleged misconduct of the applicant, ~~the~~ ^{the} disciplinary authority ^{departmental} initiated as ^{enquiry} against the applicant. A regular charge sheet was issued by the competent authority. ~~An~~ Enquiry Officer was appointed. The Enquiry officer completed the inquiry and submitted his report in due course to the Disciplinary authority. The Disciplinary authority furnished a copy of the inquiry report to the applicant. The applicant submitted his representation with regard to the findings as against him by the Inquiry Officer in his report. The Disciplinary authority accepted the report of the Enquiry Officer and after considering other material before it, passed the order of dismissal dated 29.6.90 as against the applicant. The applicant submitted an appeal to the Competent authority (Director of Postal Services). As per the orders of the Appellate authority dated 10.12.90 the Appellate authority confirmed the removal order dated 29.6.90 passed by the Disciplinary authority. The applicant is before us challenging the said removal order passed as against him on 29.6.90 by the Disciplinary Authority as confirmed by the Appellate authority on 10.12.90 and for the ~~the~~ relief(s) as already indicated above.

4. Counter is filed by the respondents opposing this OA.

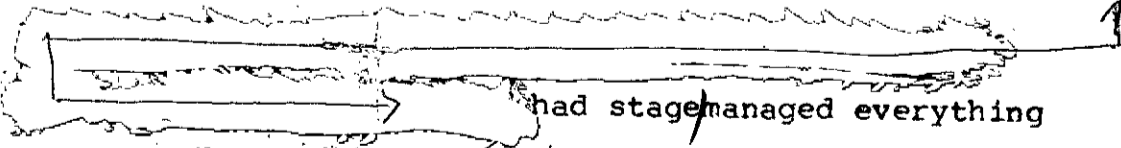
5. We have heard Mr KSR Anjaneyulu, Counsel for the applicant and Mr NV Raghava Reddy, Standing Counsel for the respondents.



75

6. In view of the findings of the Disciplinary Authority which was confirmed by the Appellate Authority, by holding that the charges as against the applicant are proved, we thought it fit to have a look at the basic documents which have been placed before the Enquiry Officer as evidence.

7. Branch Office Account relating to the period 1.6.1988 to 31.12.88 is placed before us. The date as already pointed out, on which the Sub-Divisional Inspector of Postoffices conducted surprise check in the sub-post office where the applicant worked is 29.12.88. The closing balance as seen from the book on 28.12.88 is shown as 198.80. The same is shown as opening ~~bx~~ balance on 29.12.88. The Sub-Divisional Inspector of Postoffices had made a remark in the relevant page that on 29.12.88 that he had verified the cash and stamp balance and found Rs.129.55 short. He has also noted therein that Cash was Nil, Postal stamps were Rs.45.35, Revenue Stamps were Rs.22.90 and NS Stamps were upto the value of Rs.12.00 were only found in the ^{custody} possession of the applicant.

8. The Sub-Divisional R Inspector of Postoffices is a respectable person. Even though it is contended that the Sub-Divisional Inspector of Postoffices was anxious to replace the applicant ~~to~~ ^{by} one Sri B. Prasada Reddy, and  had stage managed everything and had made false endorsement with regard to the cash deposit and stamp balance, we are not inclined to accept with the contention of the learned counsel for the applicant. As a matter of fact, we ^{had perused} ~~turn to~~ the remarks made on 30.9.88 ~~made~~ by the very same Sub-Divisional Inspector of Post-Offices when he had inspected the Sub-postoffice wherein the applicant was working. The remarks made on 30.9.88

T. C. J.

94

by the very same Sub-Divisional Inspector of Postoffices when he had inspected the Sub-postoffice wherein the applicant was working, ~~_____~~ would go to show that cash had been verified and stamps also have been verified and found Rs.26.75 short and that the same was made good by ~~him~~ ^{the applicant}. So, even though there has been shortage of cash and stamps, the very same official had permitted the applicant to make good the loss ^{on the earlier occasion}. But, this time, on 29.12.88, when inspection was carried out in the said postoffice, the shortage of cash and stamps is more than in 1988. So, being a responsible officer and as the said Sub-Divisional Inspector had no ~~axe~~ ^{axe} to grind as against the applicant, we do not think that he would have gone to the extent of ~~xx~~ writing a false endorsement in the Branch Office Accounts Book that there was shortage of cash and stamp balance at the time when he inspected the same. From the conduct of the applicant also, it becomes evident that there was a shortage of Rs.129.55 towards cash and stamps balance. As could be seen from the records, the applicant had made good the said loss of Rs.129.55 Sub-Divisional by paying the ^{same} ~~sum~~ to the Inspector of Postoffices for which, a receipt also had been granted to the applicant. Unless there was a shortage of cash and stamp balance up to a tune of Rs.129.55, we are unable to understand what prompted the applicant to make good the said ~~deposit~~ ^{shortage} of Rs.129.55. So, the conduct of the applicant, in paying the said amount of Rs.129.55 certainly establishes that on 29.12.88 at the relevant time when the Sub-Divisional Inspector of Postoffices inspected the said Sub-postoffice where the applicant was working, that there was ~~xxxxxx~~ indeed a shortage of cash and stamp balance upto the tune of Rs.129.55.

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The opening balance for 30.12.88 in the said Branch Postoffice office is shown as Rs.198.80 paise. So, as the opening balance for 30.12.89 is shown as Rs.198.80, it is the contention of the learned counsel for the applicant that the fact that on 29.12.88 as and when the Sub-Divisional Inspector of postoffices ^{carried} ~~carried~~ out the inspection, that there was a shortage of cash and stamp balance, cannot be accepted. As already pointed out, on 30.12.89, the applicant had made good the loss of stamps and cash balance. So, this figure of Rs.129.55 also had been added and then the opening balance for 30.12.88 has been shown as Rs.198.80 paise. So, the opening balance on 30.12.88 even though shown as Rs.198.80 paise, the same is not a circumstance in favour of the applicant.

9. The applicant, as could be seen, has made a statement on 29.12.88 to the Sub-Divisional Inspector of Postoffices. The applicant had also signed in the said statement. In the said statement, he has stated that the said sum of Rs.129.55 that he had kept at ~~his~~ hishouse. Nodoubt, it is contended by the ~~a~~ counsel for the applicant, that ^{reliance} no ~~relevance~~ can be placed on ^{iond} such a confessing statement said to have been made by the applicant, to the Sub-Divisional Inspector of Postoffices. But, the disciplinary authority, as well as the Appellate authority have taken into consideration, the other material as against the applicant, In coming to the conclusion that the charges as against the applicant are ^{proved} ~~true~~, ~~the~~ said confession statement alone had not been taken into consideration. But the said confession statement of the applicant serves as a strong corroborating evidence that there was a shortage of Rs.129.55 towards ~~x~~ cash and postal stamps and which shortage, the applicant had failed to explain.

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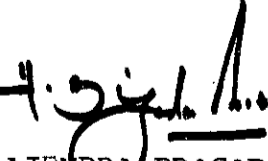
1. The Secretary to Government, Department of Posts, Union of India, New Delhi.
2. Director of Postal Services, O/O The Post Master General, Vijayawada.
3. The Senior Superintendent of Post offices, Eluru.
4. One copy to Sri. K.S.R.Anjaneyulu, advocate, CAT,Hyd.
5. One copy to Sri. N.V.Raghava Reddy, Addl. CGSC, CAT,Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

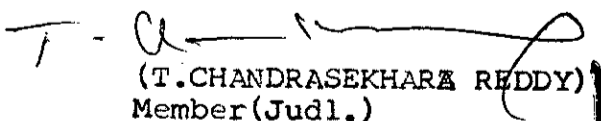
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This is not a case where there is no evidence at all as against the applicant, with regard to the shortage of cash and postal stamps. There is ample evidence, as already indicated that, at the time of inspection, that there was a shortage of cash and postal stamps. The applicant, by 29.12.88 had put in roughly ten years of service and must be an experienced person and it was necessary on his part to keep cash and postal stamps intact and also the balance amount correctly. As already pointed out, the applicant, has failed to keep cash and postal stamps intact and the shortage of cash and postal stamps in the custody of the applicant, is a ~~xxxx~~ serious mis-conduct.

10. So far the second charge is concerned, we need not go in detail as the said charge is only non-payment of Rs.21.90p to depositor ^a ^{who had} ^{for} [^] having closed the SB account, in the said post office, where the applicant was working. But the charge being a serious one and as the disciplinary authority and the appellate authority have found that the applicant is not a fit person to be continued in service as the applicant did not maintain absolute integrity and devotion to duty, it is not open for us to interfere with the punishment that has been ~~£~~ inflicted on the applicant by the competent authority. As we see no merits in this OA, this OA is liable to be dismissed and is accordingly dismissed, leaving the parties to bear their own costs.


 (H. RAJENDRA PRASAD)
 Member (Admn)
 24 MAR 94


 (T. CHANDRASEKHARA REDDY)
 Member (Judl.)

Dated: 24.3.1994
 (Dictated in the Open Court)

mvl


 Dy. Registrar (Judl.)

O.A. 572/91

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. GORTHI : MEMBER (AD)

AND

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

AND

THE HON'BLE MR. R. RANGARAJAN : M (ADMN)

Dated: 24/3/-1994

ORDER/JUDGMENT

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

O.A.No.

T.A.No.

in

572/91

(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.

