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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.1482/93

Date of Order: 8.1.97

BETWEEN:

D.Bheema Naik

.. Applicant.

AND

1. The Supdt. of Post Offices,  
Hindupur division, Hindupur-515201.

2. The Director of Postal Services,  
S.P. Southern Region,  
Office of the Post Master General,  
A.P.Southern Region, Kurnool-5.

.. Respondents.

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Counsel for the Applicant

.. Mr.Krishna Devan

Counsel for the Respondents

.. Mr.N.V.Raghava Reddy

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CORAM:

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

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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J U D G E M E N T

{ Oral order as per Hon'ble Shri B.S. Jai Parameshwar, M(J) }

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None for the applicant. Heard Mr.W.Satyanarayana for  
Mr.N.V.Raghava Reddy, learned standing counsel for the respondents.

2. This OA came up for hearing on 18.12.96, on that day we  
~~had~~ <sup>have</sup> heard the learned counsel for the respondents and ~~had~~ <sup>were</sup> about  
to dispose of the OA on the basis of the material available on  
record in accordance with the rule 15 (1) of the CAT procedure  
rules. In the afternoon of that day, the learned counsel for the  
applicant represented that he could not address ~~the~~ arguments  
since his wife was sick and prayed for time, then, the matter was  
adjourned to 31.12.96. Even today when the matter came up for

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hearing none appeared for the applicant. Hence we have left with no choice to decide the OA in accordance with the Rule 15(1) of the CAT Procedure Rules, especially in view of the fact that this OA was instituted in the year 1993.

3. The applicant while working as Postmaster, Dharmavaram was served with a charge memo dt. 8.6.92. The applicant submitted his explanation on 18.6.92. Considering his explanation the Respondent No.1 imposed the punishment of withholding of one increment for one year without cumulative effect vide order dt. 21.8.92. Against the said orders of the R-1 the applicant preferred an appeal to the appellate authority i.e. R-2 on 12.1.93. The appellate authority considering the <sup>grossly offence</sup> enhanced <sup>we</sup> quantum of punishment and imposed the penalty of withholding one increment for a period of 3 years with cumulative effect vide his order dt. 25.1.93.

4. It is these orders ~~that~~ the applicant has challenged in this OA. From the proceedings dt. 21.8.92 it is disclosed that the applicant committed certain irregularities in the postage stamp balance and revenue stamp balance held at the close of the days namely 1.1.91, 11.12.91, 13.12.91, 14.12.91, 4.2.92 and 3.1.92. The closed <sup>ing</sup> balances <sup>on</sup> of these days shown <sup>ed</sup> in the registers and treasurer book did not tally. It is stated that the applicant failed to notice the discrepancy in the balances on the above said dates and he failed to compare the registers with treasury closing balance and <sup>thus</sup> ~~these~~ contravened rule 66(1) and note (3) below the Rule. The applicant submitted his explanation. The explanation was not found satisfactory by the R-1. The R-1 imposed the penalty. However, the appellate authority enhanced the same and imposed the punishment of withholding the increment for 3 years without cumulative effect ~~after~~ following the rules in accordance with the rules CCS (CCA) rules. The applicant did not appeal against the orders passed

by the respondent No.2 by his order dt. 25.1.93. In view of the fact of enhancing the punishment by the R-2 the applicant had an opportunity of challenging the order by appeal. He has not preferred appeal against the orders passed by the R-2 enhancing the punishment.

5. The respondents have filed the counter stating that ASP(Vig.) and S.I. of this office carried out checks on Anantapur RMS on 10.3.92. During those checks they ~~have~~ noticed 5 RIs posted at Dharmavaram Post Office had fake postage stamps of Rs.5/- denomination<sup>we</sup> that enquiries revealed that those fake postage stamps<sup>were</sup> sold by the ED Stamp vender of Dharmavaram H.O. Besides the RIs, it also revealed that the ED Stamp vender had sold fake postage stamps valued of Rs.140/- to A.P.S.R.T.C. and Rs.35/- to various other customers. The enquiries revealed the balance of the ED stamp vender <sup>stamp</sup> as required by Rule 45(4) of Postal Manual Vol-VI, Part I and also failed to check the correct transfer of the stamp balances in the <sup>stamp</sup> balance register <sup>and at</sup> to the Treasury Closing balance as required by Rule 66(1) of FHB Vol.II. The failure on the part of the applicant to verify and check facilitated the ED Stamp vender to stock and sell the fake postage stamps across the postoffice counter. Therefore, the minor penalty charge memo was issued and proceedings were initiated under rule 16 of CCS (CCA) Rules. The negligence on the part of the applicant ~~for sale~~ <sup>enabled</sup> of stamps <sup>to sell fake stamps</sup> by the ED Stamp vender that the negligence on the part of the applicant resulted in the loss of revenue to an extent of Rs.200/- to the department that the Director of Postal Services felt that the punishment was not in commensurate with the gravity of the offence, <sup>that</sup> and, in exercise of the power conferred <sup>on him under</sup> by Rule 29 of the CCS (CCA) Rules <sup>he</sup> proposed to revise the punishment that after due opportunity he revised the punishment by withholding of increment for a period of 3 years without cumulative effect. The applicant <sup>has</sup> ~~had~~ not preferred any appeal against the enhancement

of punishment that the advance granted to the Stamp Vender was only Rs.500/- that checking of the advance <sup>did</sup> ~~does~~ not take much time as claimed by him and <sup>but</sup> the OA be ~~dismissed~~.

6. Even in the explanation given by the applicant he had admitted his negligence on his part and pleaded for excuse. The authorities considering the gravity of the charge on the loss caused to the Government, rightly, imposed the punishment. We find no reasons to interfere with the orders passed by the authorities.

7. There are no merits in this OA and the same is dismissed. No order as to costs.

  
( B.S. JAI PARAMESHWAR )  
Member (Judl.)

  
( R. RANGARAJAN )  
Member (Adm.)

Dated: 8th January, 1997

(Dictated in Open Court)

sd

  
16-1-97  
D. R. (J)

①  
TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD

THE HON'BLE SHRI R. RANGIRAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:  
M(J)

DATED: 8/1/97

Order/Judgement  
R.P/C.P/M.A.NO.

in

O.A.NO.

1482/83

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

