

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.930/94

DATE OF ORDER : 08-08-1997

Between :-

G.Subhash

... Applicant

And

1. Director of Postal Services,
Hyderabad Region, Hyderabad.

2. Superintendent of Post Offices,
Adilabad Division, Adilabad.

... Respondents

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Counsel for the Applicant : Shri S.Ramakrishna Rao

Counsel for the Respondents : Shri V.Bhimanna, CGSGr

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CORAM:

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

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

(Order per Hon'ble Shri

Jas

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(Order per Hon'ble Shri B.S.JAI PARAMESHWAR, Member (J)).

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None for the applicant. The applicant was also absent when the OA was taken up for hearing. Heard Shri V.Bhimanna, standing counsel for the Respondents. Since the OA is filed in 1994, we ~~are~~^{were} not inclined to adjourn the same due to absence of the applicant. Hence we decided the OA on the basis of the material available on record in accordance with Rule-15(1) of the CAT (Procedure) Rules, 1987.

2. During the year 1992-93 one Y.Steeven was working as Sub-Post Master, C.C.I. Township Sub-Post Office, Adilabad. It is stated that the said Steeven committed frauds in S.B./R.D. Accounts and sale of NSC and IVP certificates to the tune of Rs.1,57,372-40 ps. It is stated that the respondents recovered a sum of Rs.74,500 from Sri Y.Steeven and Rs.2,000/- from the Co-operative Credit Society. During enquiry, the respondents found involvement of the applicant and other officials. They are regarded as subsidiary offenders.

3. On 27-8-93 a ~~minor penalty~~^{minor penalty} charge memo ~~for minor penalty~~ was served on the applicant. On 23-10-93 he submitted his representation. The Disciplinary Authority after verifying records and also considering the representation of the applicant imposed the penalty of recovery of Rs.15,588/- from his pay in 36 monthly instalments of Rs.433/- pm commencing from February, 1996 onwards. Against the said punishment of recovery the applicant submitted an appeal dt.15-4-94. The appellate authority by his proceedings No.ST/21-3/22/94 dt.22-6-94 reject^{ed}~~ing~~

appeal and confirmed the punishment.

4. The applicant has filed this OA challenging the orders passed by the Disciplinary Authority and the appellate authority.

5. A counter has been filed stating that the applicant ~~failed~~ to maintain NC ~~Register~~ ^{Register} 12-A. Non maintenance of the said register was resulted in Y.Steeven committing mis-appropriation of the funds. ~~It~~ It was the responsibility of the applicant to maintain the said register properly. During the enquiry, opportunity was given to the applicant to peruse the documents but he did not ~~avail~~ ^{avail} the opportunity. This fact has been taken note of by the Disciplinary Authority in his order dt.22.6.94. There are no grounds to interfere with the impugned orders. ^{5(a)} The grounds urged by the applicant in this OA are similar to the grounds urged by the applicant in OA 1010/94. The applicant in the said OA was also involved in the fraud committed by ~~the~~ Sri Y.Steeven.

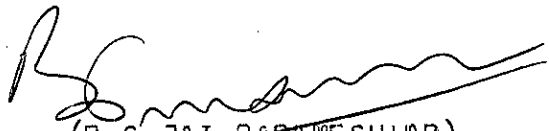
6. The point for consideration in this OA is whether the applicant was instrumental in defrauding the government. The applicant had not ~~inspected~~ ^{Checked and Verified} the vouchers properly. His carelessness in maintaining the registers resulted in the mis-appropriation of funds. Hence it is to be held that applicant is responsible, though not directly involved. Hence we are of the opinion that the Tribunal cannot re-appraise the evidence already examined by the respondents and come to a different conclusion. The Disciplinary Authority as well as the Appellate Authority in their

Orders have clearly stated the reasons for fixing the respon-

sibility on the applicant to the extent of Rs.15,588/- ^{< When} ~~When~~
the ~~responsibility~~ respondents have come to the reasonable
conclusion on the basis of the available records under the
Discipline and Appeal Rules, this Tribunal cannot take any
view different than that what has been taken by the Respondents.

7. In view of what is stated above, we find no reasons to
interfere with the disciplinary proceedings and the punish-
ment awarded to the applicant. Therefore the O.A. is dismissed.

No costs.



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

8/8/97



(R. RANGARAJAN)
Member (A)

Dated: 8th August, 1997.
Dictated in Open Court.

Ambar!
D.R.(J)

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