

CENTRAL ADMINISTRATIVE TRIBUNAL,  
HYDERABAD BENCH, HYDERABAD.

O.A. NO.1001 OF 1994.

Dated Hyderabad the 9th July, 1997.

Between

B. Kamanna, s/o Pothanna aged about 52 years,  
Working as Sub-Postmaster, Mudhole, Adilabad  
Division, Adilabad.

... Applicant

And

1. Director of Postal Services,  
Hyderabad Region, Hyderabad.
2. Superintendent of Post Offices,  
Adilabad Division, Adilabad.

... Respondents

Counsel for the applicant : Shri S. Ramakrishna Rao.

Counsel for the respondents: Shri V. Bhimanna, Addl. CGSC.

CORAM :

THE HONOURABLE MR. R. RANGARAJAN, MEMBER (ADMN.)  
THE HONOURABLE MR. B.S. JAI PARAMESHWAR, MEMBER

ORDER ( ORAL )

BS JAI PARAMESHWAR, MEMBER(J): Heard Shri S. Ramakrishna Rao, learned  
counsel for the applicant and Shri V. Bhimanna, learned  
counsel for the respondents.

2. Between 21.10.91 and 30.11.91 the  
applicant was working as Deputy Postmaster (Savings Bank)  
Head Post Office, Adilabad. It is alleged that during  
the said period the applicant failed to maintain  
the NC-12(a) register as required under Rule 5(2) of the  
Post Office Savings Bank Account Manual (Volume-II). On  
account of non-maintenance of the said register, the  
authorities could not deduct the actual loss that  
was caused to the department. Along with the applicant,  
it is stated, that other six officials of the Head Post  
Office were found involved.

Hence a minor penalty charge Memo under Rule 16 of the CCS(CCA) Rules was served on the applicant on 24.8.93. The applicant submitted his explanation, a copy of which is at Annexure-3. After considering the explanation of the applicant, the disciplinary authority in his proceedings vide Memo No.F5-1/92-93 dated 31.1.94 ordered for recovery of a sum of Rs.11,112/- from the applicant in 24 monthly instalments.

3. Against the said order of recovery, the applicant preferred an appeal dated 29.4.94 to the Director of Postal Services, Hyderabad Region, Hyderabad. The Director of Postal Services in his proceedings dated 28.6.94 rejected the appeal on the point of limitation.

4. The applicant has filed this O.A. challenging the order of recovery passed by the disciplinary authority and also rejection of his appeal by the appellate authority.

5. The respondents have filed a counter stating that one Sri Y. Steeven, Sub-Postmaster, CCI Township, Sub-Post Office, Adilabad, committed fraud in Savings Bank and R.D. accounts, in sale of N.S.Cs. and Indira Vikas Patras etc. to the tune of Rs.1,57,372.48 paise, but out of this huge amount, only Rs.74,508/- could be recovered from the said official and Rs.2000/- from the Cooperative Credit Society. The seven officials failed to maintain certain registers; that these officials were identified as the subsidiary offenders and the balance amount of Rs.88,872.48 paise was ordered to be recovered from the six officials; that the applicant was one of

*Jay*

the seven officials so identified; that he failed to maintain NC-12(a) register; that non-maintenance of the said register by the applicant facilitated the loss to the extent of more than rupees one lakh; that on 21.10.91 the Sub-Postmaster CCI Township actually sold IVPs of 5000 denomination; that the applicant has not availed all the remedies available to him before filing this O.A.; that in page-4 of the reply, the respondents have mentioned <sup>the</sup> details of the recoveries ordered from the other six officials who were detected to have been involved in the fraud; and that while ordering the recovery, the authorities have followed the procedure as contemplated under the rules and hence, the O.A. be dismissed with cost.

6. During course of hearing, the learned counsel for the applicant submitted that one Steeven was the main culprit in the said fraud; that he had given a confessional statement admitting to have misappropriated the funds and to have constructed a house; that the authorities should have proceeded against him and his property for recovery of the amount and that the fraud or negligence, <sup>attributable to the applicant,</sup> if any, could be estimated to the tune of only Rs.5000/- and odd and that recovery of Rs.11,112/- is not justified.

7. On the basis of the defence given by the applicant, the disciplinary authority had disposed of the case with a detailed speaking order. The detailed speaking order clearly indicates how he came to the conclusion that an amount of Rs.11,112/- is to be recovered from the applicant. When that order is a reasoned one, on the basis of the records available and on the basis of the facts submitted by the applicant in his explanation, it is not for the Tribunal to re-appraise the evidences which have <sup>3</sup> already been taken note of and to give a different finding.

De

The Hon'ble Supreme Court every now and then impressed on the lower courts/Tribunals that they are not the appellate authorities. If the order is given on the basis of the record and other details, the Tribunal cannot act as an appellate authority to re-appreciate the evidences on record and come to a different conclusion.

In view of that, we do not find that the order passed by the disciplinary authority needs any revision or interference as the same has been issued after considering all the relevant points and facts. The Tribunal can only interfere with the D & A cases if they are disposed of basing on no evidence and if the final orders passed are perverse. But we do not find any of these infirmities to set aside the order of the disciplinary authority.


8. The applicant for unknown reason has not submitted his appeal in time. Hence the appeal was dismissed on the point of limitation; and when the appeal has been dismissed on the point of limitation, we do not consider it ~~necessary~~ necessary even to set aside that order.

9. In view of what is stated above, we are convinced that the applicant has not made out a case. In that view of the matter, the O.A. is only liable to be dismissed and it is accordingly dismissed.

10. In the reply it has been stated that the applicant has not exhausted all the remedial channels available to him for redressal of his grievances. Probably, the respondents mean that the applicant should approach the Postal Board for redressal of his grievance. But that does not stand in the way of the Tribunal to dismiss the case as we find no merit in this case.

*Je*

In spite of dismissal of this case if the applicant submits a representation to the Postal Board, the same may be considered in accordance with rules.

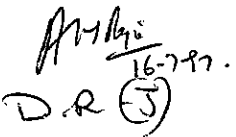
  
( B.S. JAI PARAMESHWAR )  
MEMBER (JUDICIAL)

9.7.97

  
( R. RANGARAJAN )  
MEMBER (ADMINISTRATIVE)

Dated the 9th July, 1997.  
Dictated in the Open Court.

DJ/9797.

  
16-7-97.  
D.R. (J)

25/7/97

(7)

FILED BY  
CONTAINED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

THE HON'BLE SHRI N. RANGARAJAN: M(A)

AND

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

DATED: 9/7/97

ORDER/JUDGEMENT

M.A./R.A./C.A. NO.

In

O.A. NO. 1001/94

Admission and Interim directions  
Issued.

Allowed  
Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
देखल/DESPATCH  
24 JUL 1997  
हैदराबाद बेंच  
HYDERABAD BENCH