

FORM NO. 21
(See Rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - HYDERABAD BENCH : HYDERABAD

02 / ~~1994~~ MA 112 OF 1994

..... M. Rama Linga Reddy Applicant(s)

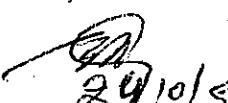
Versus

..... Ten Directors of Postal Service Respondent(s)
Hyd City Regm H.O. orders

INDEX SHEET

Serial No.	Description of Documents	Pages
Docket Orders		2
Interim Orders	7-2-84 15-3-84	39 to 62
Orders in MA (s)	Rep. Statute Reg. number	43 to 57
Orders in (Final) Orders	Common Jurisdiction 23-9-87	52 to 58
		59 to 69

Certified that the file is complete
in all respects.


29/10/87
Signature of
Dealing Hand
(In Record Section)

Signature of S.O. _____

(2)

+ CA 82/94
Date

CA 112/94

DATE

OFFICE NOTE

ORDERS

17-4-97

5-4-94

Counter filed by Mr. Neelam
Sr. Cx. m. 4/4/94.

19-2-97

Pm on b/m Pm
ST Row ✓ ✓
M ✓ ✓
HRRN ✓The cases are filed against
recovery. It appears that
these are Single Bench cases.
Hence, list before Single
Member Bench.

sk

HSSJP
M(J)HRRN
M(A)

5-3-97

Hon'ble Mr. H. Rajendra
Bhatia, Member (B)HRRN
M(B)

18-6-97

This case is heard in full. The only pending
aspect is that both the counsels ~~were~~ are desirous of
submitting a written statement summing up their
respective case. Time is therefore granted for the
purpose.Senior Standing counsel has since submitted a
note. The same has not been done by the counsel for
the applicant. If the same is not filed in next three
days, the case will be decided on the basis of the
facts on record and on the basis of the submissions
already made by respective counsels during the hearing
of the case. The learned counsel for the applicant may
be informed accordingly.(HRRP)
M(A)

sk

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

C.A. No./T.A. No. 112 1994.

~~The Post~~ M.L. Rao Applicant(s)

VERSUS

The Director of Posts Respondent(s)

Date	Office Note	Orders
7-2-94		<u>Admit.</u> Post it for final hearing alongwith OA. 103/94, on 15.3.94 for reply in the meanwhile.
11.2.94	Notice sent to RRs 102 by RPAD. R1-Sd R2-Sd SF on 11/3/94	Until further order the impugned order in regard to recovery is suspended
15-3-94		<u>15-3-94</u> Post on 31-3-94. The interim order is extended till 31.3.94.

Re: P.T. Gangab

*8/10
H.R.P.
n(A)*

*8
H.V.N.R.J.
V.C.*

3
OA 112/94

30-6-97

None present for the parties.

It is noted that despite order passed on 18-6-97 the applicant's counsel has not filed a 'summing up note' as earlier requested for by him.

No further adjournment for this purpose.

Reserved for judgement.

sk

HHRP
M(A)

23/6/97

Judgement pronounced in open Court.

Order as one disposed of in a common

order.

(30)



HHRP

(M.A.)

Lunch Notice

1. Date: 27.10.
Applicant: M. Ramalinga Reddy
2. Deptt: Postt.
3. Counsel for
Applicant: S. Rama Krishnadas
4. Relief Sought: Stoppage of Recovery
of pending
decision in the oil.

Mr. Ram (P)

9.7.2.94. Counsel for Applicant.

(20)
Permitted
H. D. S.
7/2/94.

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH HYDERABAD.

ORIGINAL APPLICATION No. 112 OF 1994

Shri M. Ramalinga Rao Applicant(s)

Versus

Director of Post & Tel Services, Hyd. city region, Hyd.
in another

Respondent(s)

by an S. Ramakrishna Rao Advocate under section 19 of the Administrative Tribunals Act. 1985 and same has been scrutinised with reference to the points mentioned in check list in the light of the provisions contained in the Administrative Tribunal (Procedure) Rules, 1987.

The application is in order and may be listed for admission on 29/4

✓
Scrutiny Officer.

Parveen
Deputy Registrar(J) ec

11. Have legible copies of the annexures duly attested been filed? 9
12. Has the Index of documents been filed and pagination done properly? 5
13. Has the applicant exhausted all available remedies? 5
14. Has the declaration as required by item 7? 6
15. Have required number of envelopes (file size) bearing full address of the respondent's been filed? 5
16. (a) Whether the reliefs sought for, arise out of single cause of action? 5
(b) Whether any interim relief is prayed for? 5
17. In case an M.A. for condonation of delay is filed, is it supported by an affidavit of the applicant? 5
18. Whether this case can be heard by single Bench? 5
19. Any other point?
20. Result of the Scrutiny with initial of the scrutiny Clerk. *say b/w*

~~Section Officer~~

Deputy Registrar

REGISTRAR

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

Diary No.

Report on the scrutiny of Application

Presented by Mr. S. Venkateswaran Date of Presentation.....

Applicant(s) M. S. Venkateswaran

Respondent(s) Director of Posts, Hyderabad, Andhra Pradesh

Nature of grievance. Recovery of amounts

No. of applicants..... 1

No. of respondents..... 2

CLASSIFICATION

Subject

1. Is the application in the proper form?
(Three complete sets in paper books form in two compilations) } 4
2. Whether name, description and address of all the parties been furnished in the cause title? } 4
3. (a) Has the application been duly signed and verified? }
(b) Have the copies been duly signed? }
(c) Have sufficient number of copies of the application been filed? } 4
4. Whether all the necessary parties are impleaded? } 4
5. Whether English translation of documents in a language other than English or Hindi been filed? } 4
6. Is the application in time?
(See Section 21) } 4
7. Has the Vakalathnama/Memo of appearance/ authorisation been filed? } 4
8. Is the application maintainable?
(U/s 2, 14, 18 or U.R. 8 etc.) } 4
9. Is the application accompanied by IPO/DD for Rs.50/-? } 4
10. Has the impugned orders original/duly attested legible copy been filed? } 4

Contd.

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

INDEX SHEET

O.A. No. 112 of 1993

CAUSE TITLE M.R. Recovery

VERSUS

The Director of Postal Service, HCA

1st and 2nd

Sl. No.	Description of documents.	page No.
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2.	MATERIAL PAPERS.	13633
3.	Vakalat	
4.	Objection sheet	1
5.	Spare Copies	2
6.	Covers.	2

2. Counter Affidavit of Respondents
3. Reply of the Applicant

Ap to set aside the Order of recovery of the sum of Rs 21,096/- from the Appellant.
Recovery of the amount

Buelka

ENCH CAS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

POSTAL

AT HYDERABAD

Refers to SMD
O.A. NO. 112 of 1994

Between:

M. Ramalinga Reddy, S/o Narsi Reddy,
Aged about 45 years,
Occ. Sub-postmaster,
L.B. Nagar P.O., Hyderabad

Applicant

A N D

Director of postal services,
Hyderabad City Region,
Hyderabad and another

... Respondent

CHRONOLOGICAL STATEMENT OF EVENTS

Sl. No.	Date	Events
1.	7.5.1993	The applicant was issued ^{15th} charge Memo. under Rule 16, imputing allegation against him.
2.	8.6.1993	The applicant had submitted representation to the second respondent explaining the factual position with a request to drop the disciplinary proceedings.
3.	20.10.1993	Without considering the articulations made, the second respondent issued proceedings ordering recovery of Rs. 21,096/- from the applicant.
4.	17.11.1993	Aggrieved ^{with} the said order, the applicant appealed to the first respondent highlighting various points in this regard.
5.	17.1.1994	The first respondent rejected the appeal submitted by the Applicant and confirmed the impugned punishment order imposed by the second respondent.

Since the orders of the first respondent is the final order there is no alternative except to approach this Hon'ble Tribunal for getting aside the impugned punishment order.

Hence, this application before this Hon'ble Tribunal.

Hyderabad,
Dated 31-1-1994

K. N. Ram
Counsel for the Applicant

C5
F O R M - I

Application under Section 19 of Administrative Tribunals Act, 1985.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A. NO. 119 of 1994

Between:

M. Ramalinga Reddy, S/o Narsireddy,
Aged about 45 years, occ: Sub-Postmaster,
L.B. Nagar P.O., Hyderabad ... Applicant

A N D

The Director of postal services,
Hyderabad City Region, Hyderabad

Respondents

I N D E X

Sl. No.	Documents relied upon	Annexure No.	Page Nos.
1.	Application		1 to 12
2.	Memo. No. ST/16-HD/2/94, dated	I	13 to 15
3.	Memo. No. F4-1/90-91/MR, dt. 7.5.93 of the second respondent issuing charges	II	16 to 20
4.	Representation dt. 8.6.1993 of the applicant to the second respondent.	III	21 to 22
5.	Memo. F4-1/90-91/MR, dated 20.10.93 of the second respondent ordering recovery from the applicant.	IV	23 to 28
6.	Appeal dated 17.11.1993 of the applicant to the first respondent.	V	29 to 33

Hyderabad,
Dated 31-1-1994

[Signature]
counsel for the Applicant

FOR Tribunal's office use:

Date of filing:

Registration No.

Signature:
for Registrar

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD
O.A. NO. 112 of 1994

Between:

M. Ramalinga Reddy, S/o Narsi Reddy,
Aged about 45 years, occ: Sub-postmaster,
L.B. Nagar P.O., Hyderabad ... Applicant

A N D

1. The Director of postal Services,
Hyderabad City Region, Hyderabad.
2. Senior Superintendent of post Offices,
Hyderabad South East Division, Hyderabad.... RESPONDENTS

Details of the Application:

Address for service of summons/
notices and process : SANKA RAMAKRISHNA RAO
Advocate, 1-1-230/9,
Chikkadapally, Hyderabad-20.

1. Particulars of the order against the application is made:

"This application is against the impugned order
Memo. No. ST/16-HD/94, dated 17.1.1994 of the
Director of Postal Services, Hyderabad City
Region, Hyderabad."

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the order
against which he want redressel is within the jurisdiction of the
Tribunal u/s 14(1)(b)(ii) of the Administrative Tribunals Act, 1985.

3. LIMITATION:

The Applicant further declares that the application is
within the limitation period prescribed in Section 21(1)(a) of
the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE:

(1) The Applicant respectfully submits that he is working
as postal Assistant in Hyderabad South East Postal Division. Due
to his devotion to duty sincerity and good record of service, he
was promoted to Lower Selection Grade and worked as Assistant

(7)

postmaster Station Kachiguda H.O. during the period 1987-1991. At present he is working as Sub-postmaster, L.B. Nagar P.O.

(2) It is submitted that the senior Superintendent of post offices, Hyderabad South East Division, (second respondent) issued a Memo. of charges to the applicant under No. F4-1/90-91/MR, dated 7.5.1993 (Annexure II p. 16^{to} 20). It was alleged therein that while working as Assistant postmaster, station Kachiguda the applicant failed to check certain vouchers which facilitated one Smt. Y. Rajarajeswari to commit S.B. frauds. It is humbly submitted that Smt. Rajarajeswari while working as P.A. Amberpet committed SB frauds during the period from 1988 to 90. The factors that facilitated commission of frauds are; allowing her to over stay her tenure in the branch as well as office, failure to inspect the office periodically in a proper manner etc. There seems to be no record of recovery of the loss. The second respondent did not make any sincere efforts to recover the loss from the real culprit. Recently, second respondent issued several chargesheets with the intention of recovering the loss from innocent officials and the applicant's charge sheet is one among them.

(3) It is submitted that the applicant submitted his reply to the charge sheet on 8.6.1993 (Annexure III p. 21^{to} 22) that the charge sheet was so bare that it is incapable of being intelligently understood as seen the dates on which the mistakes are allegedly committed are not given. It was also submitted that there was no justification to attribute failure to follow CCS (conduct) Rules 3(1)(1), to the lack of integrity by a subordinate as there is a separate rule for this.

(4) It is submitted the second respondent without considering any of these points issued Memo. No. F4-1/90-91/MR dated 29.10.1993 (Annexure IV p. 23^{to} 28) ordering recovery of an amount of Rs. 21,096/- from his pay.



(5). It is further submitted that the punishment was grossly in violation of the rules, instructions and observations of various COURTS and Tribunals. The applicant submitted an appeal to the first respondent on 17.11.1993 (Annexure V p. 29+33) pleading inter alia;

(a). That the order of punishment is ~~total~~ violation of the observation of the Hon'ble CAT Ahmedabad in case reported (1981) 9 ATC 509 where it was observed that in the absence of allegations of personal gain or corrupt practices ~~near~~ ^{merely} inaction to discharge statutory powers though resulting in loss to the Dept. is beyond the disciplinary jurisdiction of the Dept. In view of this observation no punishment ~~could~~ have been imposed on ~~him~~.

(b). It was observed by the Hon'ble Supreme Court in case reported (1979) 1 I SCC 286; 1979 SCC (L&S) 157, AIR 1979 SC 1022 that misconduct means misconduct arising out of ill motives. No ill-motive ~~personal gain or corrupt practices~~ is alleged against the applicant, and therefore there was no misconduct to proceed against the applicant and punished.

(c) It was submitted by the applicant that the charge sheet was so bare that it was incapable of being understood intelligently. Even the dates on which the alleged mistakes were committed were not furnished in the charge sheet and the applicant was unable to own or disown the responsibility and defend his case for want of the minimum information of date of commission of offence. It is submitted that the ~~se~~ ^{Sc. O.} transaction is incorporated in the Head Office and in the absence of the date of incorporation of accounts in the Head office the applicant could not submit any defence. It was held by the Hon'ble CAT Hyderabad in case reported (1989) 12 ATC 199 that the charge sheet should show the date of commission of offence. The charge sheet issued to the applicant does not show the date of commission of offence and therefore the penalty is liable to be set aside.

(d) It was submitted that the fraud was already committed at the post office and its detection would not have resulted in undoing the fraud and the work of S.B. Branch of H.O. with regard to S.Os. is compilation and accounting. I am no way the applicant contributed to the original fraud committed at the S.O.

q.vol. III, P & T Manual

(e) Under Rule 106 and 107, and Director General, P & T Lr. No. 114/176/18-Disc.II, dated 13.2.1981 no punishment of recovery can be imposed except for contributing to the fraud. The Director General P & T letter clearly states that either the fraud should have been as a result of lapses or the lapses should be such that the real culprit is not located. This means that there should be not only a nexus between the lapse and the fraud but fraud should be a direct result of lapses. This also means that if the real culprit is located there is no justification to order any recovery from those who committed the lapses. In the applicant's case the real culprit was not only located but she was proceeded against, dismissed and also convicted in the Court of law. As such there was no justification to order any recovery from the applicant's pay.

(f) It was also submitted that the disciplinary authority relied on the preliminary statement contrary to the observation of the Hon'ble CAT Patna in case 1990 SLJ Cat, Patna.

(g) It is submitted that the first respondent vide her Memo. No. ST/16-HD/94, dated 17.1.1994 (Annexure-I p. 13 + 15) rejected the appeal without discussing the various points raised therein and the applicant is suffering an unjustified penalty of recovery of Rs. 21,096/- from his pay though the entire fraud was committed by Smt. Rajarajeswari behind his back.

Hence, this application before the Hon'ble Tribunal.

[Signature]

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS:

(1) It was observed by the Hon'ble CAT Ahmedabad that all the points raised in the appeal are summarised in the appellate order and also legally discussed to show whether they are accepted or not ((1992) 19 ATC 374 Ahmedabad) the appellate authority failed to discuss, not to speak of legally discussing many of the points raised in the appeal as follows:

(a) It was pleaded by the applicant that the charge sheet was vague and was not containing even the dates on which the mistakes were committed. The appellate authority says the charge sheet is quite clear. She says that the nature of irregularities and the dates of transactions are clearly shown. The applicant was working as APM/SB in the Head office and he is not concerned with the dates of the S.O. but the dates on which the alleged lapses happened at the H.O. are only concerned to him. These dates were not given in the charge sheet.

(b) The appellate authority says the applicant cannot comment on the aspect of recovery from the main offender. The failure to recover the loss from the main offender results in recovery from others and every one, from whom recovery is made. The right to comment on the failure of the Dept. to recover the defrauded amount from the main offender.

(c) It was contended in the appeal that in the absence of allegation of personal gain or corrupt practices, the failure to do a statutory duty, though resulting in loss to the Dept. is beyond the disciplinary jurisdiction of the Dept. It was also contended that misconduct as defined by the Supreme Court is misconduct arising out of ill motive. The first respondent admits that there was no ill motive but says there was a definite negligence and irresponsibility to check the entries in r/o transactions. He is, according to the first respondent, expected to exercise supervision over the ledger clerks. Here the allegation is not that the ledger clerks committed frauds and the

question of supervising the higher clerks is irrelevant when the frauds have taken place in the S.O. It is also submitted that as APM the applicant is not expected to check the vouchers and at the close of the day he has to check the totals of the lots of all the S.O.s and H.O. and it was ^{not} ~~humanly~~ possible for the APM to check each and every voucher, nor is he expected to do so.

(d) It was further pleaded that as the punishment imposed is recovery from pay, the provisions of Rule 106 and 107 of P and T Manual Vol. III and Director General P & T Lr. No. 114/176/78-Disc.II, dated 13.2.81 should have been followed. The charge sheet should have stated elaborately the loss sustained by the Dept. in each account, the share attributable to the applicant, the modus operandi and as to how the applicant could have prevented the frauds. This is statutory requirement. No such details were furnished in the charge sheet. As per the Director General's letter dated 13-2-81, punishment of recovery of loss can be imposed only if the lapses of the Govt. servant contributed to the frauds or frustrated enquiries resulting in the real culprit not being located. In the applicant's case, not only was the real culprit located, but was also dismissed and convicted. The first respondent is silent on this.

(e) It was submitted that while imposing the penalty the second respondent had relied on the statement recorded during preliminary enquiry. While this is a fact the first respondent is evasive to deny or accept this contention but says that this is not correct as the second respondent had lot of material evidence available in the form of pay-in-slips, withdrawal forms, H.O. ledger copies. Whether there was lot of material evidence is not the point, whether the punishment was awarded taking into consideration the preliminary statement, is the point. Further the pay-in-slips and withdrawal forms are relevant as to show the date of transaction at the S.O. and not at H.O. The H.O. SB Ledger copy is also irrelevant in the absence of stating clearly in the charge sheet

when the S.O. transactions were incorporated in the H.O.

(f) It was further submitted that the exact loss attributable to the applicant was not shown in the charge sheet and the amount of Rs. 2,26,064/- mentioned in the charge sheet had no relevancy to the applicant as long as it is not explained how this figure is arrived at and to what extent the applicant is responsible. The first respondent is silent on this.

(g) It was further submitted that there was no rationale 21,096/- in fixing the amount of Rs. 21,096/- as the amount recoverable from the applicant. Nowhere it is stated that the loss sustained is due to the omissions or commissions of the applicant is Rs. 21,096/- and no recovery can be ordered without fixing the responsibility. While the first respondent prefers to be silent on this she says most uncharitably that the applicant should be grateful to the second respondent that a larger amount was not ordered to be recovered betraying her ignorance that the amount ordered to be recovered is the pay of the applicant for one year and no recovery beyond this can be ordered as per rules. She definitely does not act as a quasi judicial authority if she expects the applicant to be grateful to the second respondent who has deprived him of one year's pay.

(h) It was submitted that the applicant had been taking prompt action in case of discrepancies but could not defend himself in the absence of dates on which he is alleged to have committed the mistakes.

There is no comment from the first respondent on this.

(i) It was finally pleaded that the punishment of depriving the applicant of his one year's pay on the basis of a defective charge sheet and depending on preliminary statement was merely harsh. The first respondent says that the applicant should be grateful to the second respondent recovering

[Signature]

only one year's pay betraying her ignorance that no more recovery could be made.

It can be seen that the disposal of the appeal has not been done as per rules or as per the direction under case law (1992) 19 ATC 374 Ahmedabad which alone is enough to quash the punishment order.

(2) It is humbly submitted that the frauds took place at the Sub office and the applicant working in the Head office had no means to prevent the same. The concept of contributory negligence cannot be stretched beyond what was intended by the framers of Rule 106 and 107 of P and T Manual Vol. III and Director General's Lr. dated 13-2-1981. One's act of omission or commission should result in ~~negligence~~ frauds if he is to be punished for contributory negligence. The question of preventing further frauds is not at all intended in ~~these~~ rules. This aspect was not provided under rules. It was held by the Hon'ble CAT Calcutta ((1989) 9 ATC 369 Calcutta) that omission to do an act though desirable but not prescribed under rules, cannot be subject matter for inquiry. If the applicant could prevent further frauds, it was desirable. But he cannot be punished for not doing so, as it is not prescribed under rules. The responsibility for contributory negligence is limited to acting or inacting in such way, by which a fraud could be committed by another person. No such case has been made out against the applicant.

(3) It is humbly submitted that if the fraud committed by the SB counter PA at Amberpet S.O. could escape the notice of even the SPM of that office it can never attract the attention of the Asst. Postmaster at the Head office as the Head post office does only consolidation of the accounts and nothing else.

(4) The Applicant further submits that as per the rules submitted in sub para (2) above he was entitled to know:

- 1) The amount of fraud
- 2) The share of loss attributable to him
- 3) Modus operandi
- 4) how he could have prevented the frauds

But the charge sheet does not speak of the details and as such no punishment can be imposed.

(5) It was held by this Hon'ble Tribunal ((1989) 12 ATC 99 Hyderabad) that the charge sheet should show the dates on which the offence is committed. It is essential to defend oneself. In the charge sheet issued to the applicant the dates on which the accounts of the were incorporated in the H.O. are not shown and the applicant could not defend himself properly with the vouchers as these transactions are incorporated in H.O. on some subsequent dates. The applicant could not even know if he was responsible for the incorporation of the S.O. accounts in the absence of dates in the chargesheet.

(6) It is humbly submitted that in the absence of allegation of personal gain or corrupt practices (1976 (1) SLR 133 (Supreme Court), (1989) 9 ATC 309 Ahmedabad there was no ground to punish him. It is also submitted that in the absence of misconduct as defined by the Hon'ble Supreme Court (1979 (2) SCC 286, 1979 SCC (L & S) 157, AIR 1979 SC 1022) no charge sheet could have been issued to the applicant.

(7) It is humbly submitted that there is absolutely no rationale in fixing the applicant's share as Rs. 21,096/- It is the maximum amount that could be recovered from him as per rules being his pay for one year. The first respondent who desires the applicant to be grateful to the second respondent does not say how she or her SSP arrived at this figure. This does not have a quasi judicial authority.

It is therefore most humbly submitted that the order of punishment is in violation of all the Departmental rules as well as the observations of the judicial bodies and the points of law finally settled by the judicial bodies including the Hon'ble Supreme Court.

(Signature)

6. DETAILS OF THE REMEDIES EXHAUSTED:

The Applicant further declares that he has availed of all the remedies available to him under the relevant services rules.

Aggrieved against the proposed recovery the applicant appealed to the first respondent on 17.11.1993 articulating various issues that have not been considered by the second respondent. The first respondent rejected the appeal submitted by the applicant which is a final order. As the order issued by the first respondent is final, there is no other alternative except to approach this Hon'ble Tribunal to set aside the order of punishment imposed by the Respondents.

Hence this application before this Hon'ble Tribunal.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:

The Applicant further declares that he had not previously filed any application, Writ Petition or suit regarding the matter in respect of which this application has been made before any other court or any other authority or any other Bench, of the Tribunal nor any such application, Writ Petition or suit is pending before any of them.

8. RELIEF(S) SOUGHT :

In view of the facts mentioned in para (4) above, the Applicant prays for the following relief(s):

In view of the facts submitted above, it is respectfully prayed that this Hon'ble Tribunal may be pleased to set aside the punishment imposed by the second respondent vide Memo. No. F4-1/90-91/MR, dated 29-10-1993 as confirmed by the first respondent vide Memo. No. ST/16-HD/2/94, dated 17-1-1994 and pass such other and further order or orders as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

9. INTERIM ORDER IF ANY PRAYED FOR :

PENDING final decision on the application, the applicant seeks the following interim reliefs:

It is respectfully prayed that as the punishment order is in violation of all the rules of the Dept. and judicial observations, as the balance of convenience is in favour of the applicant and as the punishment of recovery of 1/3 of his pay for the three years would cause irreparable damage, it is humbly prayed that this Hon'ble Tribunal may be pleased to suspend operation of the second respondent No.F4-1/90-91/MR, dated 29-10-1993 as confirmed by the first respondent vide Memo. No. ST/16-HD/2/94, dated 17-1-1994 till the disposal of the case and pass such other order or orders as deemed fit and proper.

10. NOT APPLICABLE:

11. PARTICULARS - - - - -

filed in respect of the application fee:

1. P.O. / D.D. No. 806900464
2. Date : 31-1-94
3. Fee : Rs. 50/-
4. Name of the office of Issue: H-YD
5. Name of the office payable at : G.P.O., Hyderabad.

P.O./B.C./D.D./Removed



12. LIST OF ENCLOSURES:

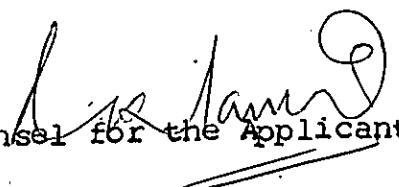
Sl. No.	Details of the Documents	Annexure No.
As per Index		

VERIFICATION

I, M. Ramalingareddy, S/o Narsireddy,
Aged about 45 years, occupation: sub-postmaster,
L.B. Nagar Post Office, Hyderabad do hereby verify
that the contents of para 1 to 4 and 6 to 12 are
true to my personal knowledge and para 5 believed to
be true on legal advice and that I have not suppressed
any material facts.

Place: Hyderabad,
Date : 30-1-1994


SIGNATURE OF THE APPLICANT


Counsel for the Applicant

DEPARTMENT OF POSTS : INDIA.

Office of the Chief Postmaster- General, A.P.Circle, Hyderabad-1.

Memo No. ST/16-HD/2/94

Dated at Hyderabad-1 the 17-1-94.

This is an appeal submitted by Shri M.Ramalinga Reddy now SPM, LB Nagar SO against the order of recovery of Rs.21,096/- vide SSPoS Memo No. F4-1/90-91/MR dated 29.10.1993. The details of the case are as follows:

The appellant had been working as APM SB Kachiguda-HO from 1.7.1987 to 22.4.91. During this period certain withdrawals took place in accounts numbers 218883 which were posted under deposits and the balance in the H.O. ledger differed from those shown in the withdrawal voucher. The appellant as APM(SB) initialled the HO ledger without checking the balances. For the same accounts deposits and withdrawals that had been entered in the PB, did not appear in the H.O. accounts. As APM, the appellant did not notice any discrepancies. Further the appellant while working as APM (SB) Kachiguda-HO, admitted withdrawals in account Nos. 216420 but failed to notice difference in the date of the last transaction noted in the voucher. A number of deposits and withdrawals had also not been noted in the H.O. accounts though they were reflected in the Pass Book. Similarly with respect to account No. 218160, a withdrawal was wrongly posted when the correct account was 218760 nor did he call for the pass book when the Date of last transactions and balance shown in the withdrawal voucher differed from the figures in the H.O. ledger. He committed similar lapses with respect to Account No. 217621, 218697, 216991, 218150, 218923, 218984, 218574. In all, during this period Rs. 2,26,064/- had been misappropriated in 123 accounts of Amberpet S.O. whose accounts were incorporated in the SB branch of Kachiguda-HO of which the appellant was in charge. He was accordingly found to have contributed to the loss.

In his appeal the official states that the charge sheet is vague and it has been held by the Supreme Court that the charge sheet should contain definite facts. He says that in the charge sheet issued to him even the dates of the commission of the offence are not furnished and the dates of the transactions in the H.O. and he could not put up any defence. He also quoted an Administrative Tribunal decision that in the absence of allegations of personal gain or corrupt practices, mere inaction in discharge of statutory powers even though resulting in monetary loss to the Department is beyond disciplinary jurisdiction. There is no allegation of personal gain against him. He quotes a Supreme Court decision

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wherein misconduct means misconduct arising from ill motive. No ill motive has been attributed to him. He says that the charge sheet was not in conformity with Rule 106 and 107 of P & T Man. Vol. III and DG P & T Letter No.114/176/78-Disc.II dtd. 13.2.81. He says in this case the culprit was known and also convicted by a court of law. Moreover, he says his lapses did not cause the fraud which had already taken place. He says that he has not been told the amount of loss caused due to his commission, omission or the modus operandi. He says the SSP relied on his preliminary statement and he is barred from this. He says he does not know how the figure of Rs. 21,096 arrived at and ultimately the appellant says that his responsibility is not to compare the list of transactions as per Rule-38, Thus the punishment was totally unjustified.

I have gone through the appeal and the connected papers. I find that the charge sheet is quite clear. The nature of irregularities, the dates of transactions, the particulars of SB.Accounts and the amounts misappropriated are clearly shown. The dates on the pay-in slips and the withdrawal slips are shown.

The department attempts to recover as much of the loss as possible from the culprit will not be known to the appellant and he cannot comment on this aspect. No doubt there are no allegations of personal gain or corrupt practices. However, the appellant has been charge sheeted not for mere any action but for a lack of sense of duty and commitment to his work. Perhaps there was no ill motive but there was definite negligence and irresponsibility and non carrying out of his prescribed duty and departmental procedures. As APM(SB) of HPO, he has to check the entries in respect of transactions that took place in the sub office. He is expected to exercise supervision over ledger clerks. Though fraud took place over a span of 2 years, neither he nor the ledger clerk noticed any irregularities in the dates mentioned in the SO vouchers when compared to the ledger figures or if they have noticed they did not bring it to the notice of the Higher authorities. If the appellant had been devoted to his work performing his duties with a sense of devotion the fraud would have come to light much earlier and these would not have been such a loss to the department or inconvenience to the public whose hard earned money was misappropriated.

The arguments of the appellant that the SSP has relied on the preliminary investigation statement recorded is not correct as there is lot of material evidence available in the form of pay in slips, withdrawal forms, H.O ledger copies. Moreover his contention that the total loss attributable to him is not shown and it is only presumed is also incorrect. The fraud has occurred in 123 accounts and the total misappropriation works out to Rs.2,26,064/-.

During the entire period Shri M.Ramalinga Reddy was the APM(SB), he by his negligence has directly contributed towards this misappropriation. There is no case for any interference in the punishment. The appellant should be grateful that a larger sum has not been ordered to be recovered from him. The order of recovery issued by the SSPOs stands.

MS. RADHIKA DORAI SWAMY/
Director of Postal Services
(Hyd. City Region.)
For Chief Postmaster-General,
A.P. Circle, Hyderabad-1.

To

Shri M.Ramalinga Reddy,
SPM, LB Nagar-SO,
Hyderabad.

(THROUGH SSPoS HYD. S.E.DN.)

TC
Kc
AdN

Government of India
Department of Posts

Office of the Senior Supdt. of Post Offices,
Hyderabad South East Division, Hyd-500027.

Memo No. 14-22-21/118. Dated at Hyderabad-500027 the 7-2-1993.

MEMORANDUM

Shri.K. Ram. Reddy, APM, Stn.Kachiguda HO is hereby informed that it is proposed to take action against him under Rule 16(CCG/CCA) Rules, 1965. A statement of imputations of misconduct or misbehaviour on which action is proposed to be taken as mentioned above is enclosed.

1. Shri.K. Ram. Reddy, APM, Stn.Kachiguda HO is hereby given an opportunity to make such representation as he may wish to make against the proposal.
2. If Shri.K. Ram. Reddy, APM, Stn.Kachiguda HO fails to submit his representation within (10) days of the receipt of this Memorandum, it will be presumed that he has no representation to make and orders will be liable to be passed against him ex parte.
3. The receipt of this Memorandum should be acknowledged by Shri.K. Ram. Reddy, APM, Stn.Kachiguda HO.

M. E. S. H.
(M. E. S. H.)

Senior Supdt. of Post Offices
Hyderabad South East Division
Hyderabad-500027.

Copy to:-

REGD AD.

1. Shri.K. Ram. Reddy, APM, Stn.Kachiguda HO.
2. P.F of the official.
3. Register of Disciplinary cases.
4. Spare.
5. Office copy.

Statement of imputations of misconduct or misconduct framed against Shri.M.Ramalinga Reddy, APM, Stn. Kachiguda HO.

That the said Shri.M.Ramalinga Reddy, while working as APM, Savings Bank, Stn.Kachiguda HO during the period from 1-7-87 to 22-4-91 ~~TEW~~ withdrawal entry of Rs.100/- dt.9.1.89 in respect of Amberpet SB A/C No.218030 standing in the name of Smt.J.L.Nekatalaxmi was posted under deposits and the DLT was noted as 100/- in HO ledger and these particulars differed with the DLT and DLT noted on the voucher. Similarly, the withdrawal entry dated 23.3.89 of Rs.300/- was also noted with DLT Rs.200/- which differed with that of withdrawal voucher, and Shri.M.Ramalinga Reddy, simply initialled the HO ledger card without verifying the same with reference to HO records and SO records, he failed to call for the Passbook for verification. In this account an amount of Rs.650/- i.e. debit and withdrawal of Rs.200/- were not accounted for into Post Office Accounts on 16-10-90 and 12-11-90 respectively. Shri.M.Ramalinga Reddy stated in his statement dated 22.1.93 ~~before~~ given before Shri.V.Lalappa, ACP(), that he did not notice the discrepancy. Thus the Government servant failed to follow the provisions of Rule 31(2)(iii) and 38 of PO SB Manual Volume I.

2. The said Shri.M.Ramalinga Reddy, while working as APM, Stn.Kachiguda HO admitted a withdrawal of Rs.900/- dt.3.3.89 in respect of SB A/C No.216420 standing in the name of Smt.P.Kumar, into HO accounts, and failed to notice the difference of DLT noted on the voucher is 3-9-89 against the correct DLT as per HO records is 3-3-88. In this account the following transactions were not accounted for though entered in the Passbook.

Date	Deposit	Withdrawal
3-11-88	1000.00	—
3-12-88	1000.00	—
15-12-88	150.00	—
20-1-89	50.00	—
31-1-89	100.00	—
16-2-89 deposited	2300.00	—

Shri.P.Kumar in his statement dated 15.2.91 given before ACP(R) Hyderabad South East Division, that the above transactions were correctly made in his Passbook. Thus the Government servant failed to follow the provisions of Rule 31(2)(iii) and Rule 38 of PO SB Manual Volume I.

3. The said Govt.Servant while working as APM, SB Stn.Kachiguda HO a withdrawal of Rs.1000/- dated 8.11.90 of Amberpet SO was wrongly posted in SB a/c No.218160 against the correct SB A/c No.218750 and failed to call for the Passbook, when the DLT and DLTs noted on the vouchers differed with the HO records. In this account of 218160 the following transactions though allowed in Passbook were not accounted for into PO Accounts.

Date	Deposit	Withdrawal
10-11-89	500.00	—
15-12-89	250.00	—
14-2-90	100.00	—
12-3-90	500.00	—
22-3-90	500.00	1000.00
25-4-90	—	—

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The depositor in his statement dated 21-1-91 given before IPC(C) Hyderabad South East Division that the above transactions were actually made in his account. The Govt. servant stated in his statement dated 22.1.93 given before Shri.V.Palappa, ASP(R) Hyderabad South East Division, that he did not remember whether the Passbook was called for. The Shri. M.Pamalinga Reddy failed to follow the provisions of Rule 31(2) (iii) and Rule 38 of PO SB Manual Volume I.

4. That the said Shri.M.Pamalinga Reddy while working as APM, SB Stn.Kachiguda HO allowed deposit of Rs.500/- made at Amberpet HO on 24.1.90 in SB A/C No.217621 standing in the name of Shri.M.D.Jaffer. The DLT was noted on the vouchers 7-2-89, But as per HO records the DLT was 7-11-88. In the Passbook unauthorised withdrawal of Rs.300/- was made on 7-2-89 which was not accounted for. The Govt. servant in his statement dated 22.1.93 given before Shri.V.Palappa ASP(R) admitted that he did not check the DLT due to rush of work. In the said SB A/C the following transactions were not accounted for.

<u>Date</u>	<u>Deposit</u>	<u>Withdrawal</u>
28.11.88	1000.00	
19.12.88		200.00
7.2.89		300.00

Thus, Shri.M.Pamalinga Reddy failed to follow the provisions of Rule 31(2) (iii) and Rule 38 of PO SB Manual Volume I.

5. The Govt. servant while working as APM, S B, Stn.Kachiguda HO allowed a deposit of Rs.50/- dt.25.6.88 in respect of Amberpet SB A/C No. 218697 standing in the name of Smt. Durgi Begum into JFC accounts. The DLT was noted as 7.9.89 on the pay-in-slip. As per the HO ledger card, the DLT was 14-10-88. The DAT noted on the voucher, is Rs.175/- against the DAT of 187-35 of HO. As per Passbook the DAT was Rs.300.95. The Government servant in his statement dated 22.1.93 given before ASP(R) Hyderabad South East Division stated that he do not remember whether the Passbook was called for.

Hence the Govt. servant failed to follow the provisions of Rule 31(2) (iii) and Rule 38 of PO SB Manual Volume I. In this account the following transactions though entered in the Passbook were not accounted for.

<u>Date</u>	<u>Deposit</u>	<u>Withdrawal</u>
8-12-88	700.00	
16-12-88		100.00
18.1.89		500.00
7.9.89	20.00	
31.8.90		300.00

6. Shri.M.Pamalinga Reddy, while working as APM(SB) Stn.Kachiguda HO standing in the name of Rs.2000/- dt.10.5.90 of Amberpet SB A/C No.216991 noted on the SB-7 are 26-4-90 and 26-5-90 accounts. The DLT and DAT records the DLT was 27.2.90 and the DAT was Rs.5367.50. In another HO was not called for for verification when the DAT and DLT were not tallied with HO records. A sum of Rs.500/- was actually on 10-5-90 as per passbook whereas Rs.2000/- withdrawal only was accounted for. The following transactions were not accounted for in the said A/C though entered the Passbook.

<u>Date</u>	<u>Deposit</u>	<u>Withdrawal</u>
13.2.89	3000.00	

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Date	Deposit	Withdrawal
21.4.90	1700.00	
16.8.90		200.00
10.5.90		20.00

The Govt. Servant in his statement dated 13.1.90 given before ASP(R) Hyderabad South East Division, stated that the P.S.B. H.O. was called for for verification of the deposit slip due to rush of work. The depositor in his statement dated 4.5.91 given before ASP(R) Hyderabad South East Division stated that the above transactions were correctly noted in his Passbook. Thus Shri.M.Kamalinga Reddy failed to follow the provisions of Rule 31(1)(iii) and Rule 33 of P.O.SB Manual Volume I.

7. Shri.M.Kamalinga Reddy while working as APM(SB) Stn.Kachiguda H.O admitted a deposit of Rs.600/- dated 25.2.90 in Amberpet SE A/C No. 218150 standing in the name of L.B.J.William into H.O accounts. The DLT and the BAT noted on the pay-in-slip are 11.9.89 and Rs.618.10 respectively. Whereas the DLT and BAT as per H.O records are 11-2-90 and Rs.954.35. The said deposit was actually made on 4.2.90 as per Passbook. The Govt. servant failed to call for the Passbook for verification. On this a/c besides the ~~xx~~ temporary misappropriation mentioned above a deposit of Rs.9800/- made on 21.4.90 was not accounted for.

Thus Shri.M.Kamalinga Reddy failed to follow the provisions of Rule 31(2) (iii) and Rule 33 of P.O.SB Manual Volume I.

8. Shri.M.Rama Linga Reddy while working as APM(SB) Stn.Kachiguda allowed a deposit of Rs.40/- dated 10.7.90 of Amberpet SE A/C No.218923 standing in the name of Shri.Y.Ramana Babu into H.O accounts. The DLT and BAT were corrected as 30.11.89 and Rs.60/- respectively. Whereas the DLT and BAT as per H.O records are 30.11.89 and Rs.63.90 respectively. The Govt. servant failed to call for the Passbook for verification. The following transactions were not accounted for though entered in the Passbook.

Date	Deposit	Withdrawal
26.3.90	1750.00	
30.3.90	250.00	
26.4.90		2000.00
8.6.90	40.00	
6.7.90	30.00	
	2070.00	2000.00

The depositor in his statement dtd.9.1.91 given before the ASP(East) admitted that the above transactions were correct.

Hence the Govt. servant failed to follow the provisions of Rule 31(2)(iii) and Rule 33 of P.O.SB Manual Volume I.

9. That the said Shri.M.Kamalinga Reddy while working as APM, SB, Stn.Kachiguda H.O allowed a deposit of Rs.300/- dated 3.10.90, in Amberpet SB A/C No.218984 standing in the name of Smt.U.Umarani into H.O records. The DLT and BAT noted on the said pay-in-slip are 21-2-90 and Rs.1165.00 respectively. As per H.O records the DLT and BAT are 21.2.90 and Rs.1185.85. The Passbook was not called for for verification. The

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The following transactions were not accounted for though entered in the passbook prior to 24.12.90.

Date	Deposit	Withdrawal
17.1.90	425.00	
21.5.90	150.00	
24.5.90	50.00	
22.6.90	200.00	
7.9.90	50.00	

	975.00	

The depositor in her statement dated 24.12.90 given before the ASP(East) Sub-Division admitted that the above transactions were correctly entered in her passbook. Shri M. Ramalinga Reddy in his statement dated 28.1.93 given before Shri V. Balappa, ASP(R) Hyderabad South East Division stated that he asked the Ledger clerk to obtain the Passbook and he do not remember whether an error entry was made.

Thus, the Govt. servant acted in contravention of Rule 31(2) (iii) o and Rule 38 of PO SB Manual Volume I.

10. The Govt. servant while working as APM(SB) Stn. Kachiguda HO allowed a deposit of Rs.1000/- dt.3.2.89 in Khamberpet SB A/C No.218574 standing in the name of Shri J. Venu into HO accounts. The BAT has noted on the pay-in-slip as 2500.60. Whereas as per HO records the BAT was Rs.3000.60. Shri M. Ramalinga Reddy failed to call for the Passbook for verification. The Government servant in his statement dated 28.1.93 given before ASP(R) Hyderabad South East Division stated that he do not remember whether the Passbook was called for or not. In this account the following transactions were not accounted for though entered in the Passbook prior to the date of the above transaction.

Date	Deposit	Withdrawal
5.12.88	1000.00	
12.12.88	1000.00	
20.12.88		500.00
4.1.89		1500.00

Hence the Govt. servant failed to follow the provisions of Rule 31(2)(iii) and 38 of PO SB Manual Volume I.

During the period in which Shri M. Ramalinga Reddy worked as APM, Savings Bank, Stn. Kachiguda HO a sum of Rs.2,26,664/- was misappropriated in 123 accounts of Khamberpet SO.

Therefore, it is alleged that Shri M. Ramalinga Reddy failed to maintain absolute integrity and devotion to duty as required under Rule 3 (1)(i) and (ii) of CCS(Conduct) Rules 1964.

*Elise
(M. ELEESHA)
Senior Supdt. of Post Offices
Hyderabad South East Division
Hyderabad-500027.*

*TC
He
Adv.*

From

H. Bambina Reddy,
S.P.M. L.O. Nag. 1,
L.O. Nagar. 500 063.

To

The Senior Superintendent Of P.Os.,
Hyderabad South East Division,
HYDERABAD, 500 027.

Sir,

Sub:- Memo of Charges issued under Rule 16 of
C.C.S. (C.C.S.) Rules 1965 Vide Memo No.
F4-1/90-91/MR Dated 7-5-1993.

I submit that the charge made against me is not precise and clear as required under rule (4) (i) of P&T Manual Vol.III. It is so bare that it cannot be intelligently understood as observed by the Supreme Court in case law Sarath Chandra Das Vs. State of West Bengal 1982 I.C.I 574. I am therefore handicapped in my defence. I do not even know if all that attributed to me are real or not.

Regarding Item No. 1 It is submitted that vide Rule 31(2) (III) I do not have any responsibility vide Rule 38 also the responsibility of the A.M.M. is to compare the entry with L.O.T and not voucher checking.

Regarding item No. 2, ~~and~~ also I submit the above explanation.

Regarding Item 3 also I submit the above explanation.

Regarding Item 4 also I submit the above explanation.

Regarding Item 5 also I submit the above explanation.

Regarding Item 6 also I submit the above explanation.

Regarding Item 7 also I submit the above explanation.

Regarding Item 8 also I submit the above explanation.

Regarding Item 9 also I submit the above explanation.

Regarding first part of Item 10, I submit ^{the} same above explanation.

regarding the allegation of fraud of Rs. 226064/-
a mere statement that a fraud ^{was} committed at sub-office
is not enough to elicit an explanation in the absence
of details. Further rule 3(1) (i) off CCS Conduct rules
is not attracted when a subordinate unit commits a fraud.

In the circumstances, I request you to kindly
drop the charges for which I will be highly grateful.

Thanking you,

Yours faithfully,

Dt. 8 -- 6 -- 1993.

HYDERABAD.

M. Ramaling. Reddy
(M. RAMALING. REDDY)
S. P. M. L. D. Nagar.

TR
Re
ADW

Government of India
Department of Posts

Office of the Senior Superintendent of Post Offices,
Hyderabad South East Division, Hyd-500 027.

Memo No. F4-1/90-91/MR dated at Hyderabad-500027 the 22.10.93

PROCEEDING

READ THE FOLLOWING:-

1. SSPOs Hyderabad South East Division Memo No. F4-1/90-91/MR dated 7.5.93.
2. Representation of Shri M. Ramalinga Reddy, APM, Stn. Kachiguda HO dated 8.6.93.
3. All other connected records.

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Shri M. Ramalinga Reddy, APM, Stn. Kachiguda HO (Presently working as SPN, LB Nagar) was informed that it is proposed to take action against him under Rule 16 of ECS(OL) Rules 1965 vide this office memo of even no. dated 7.5.93. The said memo was delivered to him on 12.5.93. Shri M. Ramalinga Reddy, APM, Stn. Kachiguda HO dated 8.6.93.

The statement of imputations of misconduct or misbehavior against Shri M. Ramalinga Reddy is as follows:-

That the said Shri M. Ramalinga Reddy, while working as APM, Savings Bank, Stn. Kachiguda HO during the period from 1-7-87 to 22-4-91 withdrawal entry of Rs.100/- dt. 9.11.89 in respect of Amberpet SB A/C No. 218883 standing in the name of Smt. J. U. Venkatalaxmi was posted under deposits and the BAT was noted as 600/- in HO ledger and these particulars differed with the BAT and DLT noted on the voucher. Similarly, the withdrawal entry dated 23.3.89 of Rs.300/- was also noted with BAT Rs.300/- which differed with that of withdrawal voucher. Shri M. Ramalinga Reddy simply initialled the HO ledger card without verifying the balances with reference to HO records and SO records, he failed to call for the Passbook for verification. In this account an amount of Rs.650/- deposit and withdrawal of Rs.200/- were not accounted for into post office accounts on 16.10.90 and 12.11.90 respectively. Shri M. Ramalinga Reddy stated in his statement dated 22.1.93 given before Shri V. Balappa, ASP(R), that he did not notice the discrepancy. Thus the Government servant

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failed to follow the provisions of Rule 31(2)(iii) and 38 of PO SB Manual Volume I.

2. The said Shri.M.Ramalinga Reddy, while working as APM, Stn.Kachiguda HO admitted a withdrawal of Rs.900/- dt.8.3.89 in respect of SB A/C No.216420 standing in the name of Shri.P. Kumar, into HO accounts and failed to notice the difference of DLT noted on the voucher is 3-9-89 against the correct, DLT noted as per HO records is 3-9-88. In this account the following transactions were not accounted for though entered in the Passbook.

<u>Date</u>	<u>Deposit</u>	<u>Withdrawal</u>
3-11-88	1000.00	-
3-12-88	1000.00	-
15-12-88	150.00	-
20-1-89	50.00	-
31-1-89	100.00	-
16-2-89	-	2300.00

Shri.P.Kumar depositor in his statement dated 15.2.91 given before ASP(R) Hyderabad South East Division, that the above transactions were correctly made in his Passbook. Thus the Government servant failed to follow the provisions of Rule 31(2) (iii) and Rule 38 of PO SB Manual Volume I.

3. The said Shri.Govt.servant while working as APM, SB Stn. Kachiguda HO a withdrawal of Rs.1000/- dated 8.11.90 of Amberpet SO was wrongly posted in SB A/C No.218160 against the correct SB A/C No. 218760 and failed to call off for the Passbook, when the DAT and DLTs noted on the vouchers differed with the HO records. In this account of 218160 the following transactions though allowed in Passbook were not accounted for into PO accounts.

<u>DATE</u>	<u>Deposit</u>	<u>Withdrawal</u>
10-11-89	500.00	-
15-12-89	250.00	-
14-2-90	100.00	-
12-3-90	-	500.00
22-3-90	500.00	-
25-10-90	-	1000.00

The depositor in his statement dated 21-1-91 given before IPO(C) Hyderabad South East Division that the above transactions were actually made in his account. The Govt.servant stated in his statement dated 22.1.93 given before Shri. V.Balappa, ASP(R) Hyderabad South East Division that he did not remember whether the Passbook was called for. The Shri.M.Ramalinga Reddy failed to follow the provisions of Rule 31(2) (iii) and Rule 38 of PO SB Manual Volume I.

4. That said Shri.M.Ramalinga Reddy while working as APM, SB, Stn.Kachiguda HO allowed deposit of Rs.500/- made at Amberpet SO on 24.1.90 in SB A/C No.217621 standing in the name of Shri.MD.Jaffer. The DLT was noted on the voucher as 7-2-89, but as per HO records the DLT was 7-11-88. In the Passbook unauthorised withdrawal of Rs.300/- was made on 7-2-89 which was not accounted for. The Govt. Servant in his statement dated 22.1.93 given before Shri.V.Balappa ASP(R) admitted that he did not check the DLT due to rush of work. In the said SB A/C the following transactions

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were accounted for.

<u>Date</u>	<u>Deposit</u>	<u>Withdrawal</u>
28.11.88	1000.00	
19.12.88		100.00
7.2.89		300.00

Thus, Shri.M.Ramalinga Reddy failed to follow the Provisions of Rule 31(2) (iii) and Rule 33 of POGB Manual Volume I.

5. The Govt.servant while working as APM, SB Stn.Kachiguda HO allowed a deposit of Rs.50/- dt.25.1.90 in respect of Amberpet SO SB A/C No.218607 standing in the name of Smt. Begum into HO accounts. The DLT was noted as 7.0.09 on the pay-in-slip. As per the HO ledger card the DLT was 14-10-88. The BAT noted in the void cher, is Rs.175/- against the BAT of 187-35 of HO. As per ~~HO~~ Passbook the BAT was Rs.300.95. The Govt.servant in his statement dated 22.1.93 given before ASP(R) Hyderabad South East Division stated that he do not remember whether the Passbook was called for.

Hence the Govt.servant failed to follow the provisions of Rule 31(2) (iii) and Rule 38 of POGB Manual Volume I. In this account the following transactions though entered in the Passbook were not accounted for.

<u>Date</u>	<u>Deposit</u>	<u>Withdrawal</u>
16-12-88		
18.1.89		500.00
7.9.89	20.00	
31.8.90		200.00

6. Shri.M.Ramalinga Reddy, while working as APM(SB) Stn.Kachiguda HO allowed a withdrawal of Rs.2000/- dt.10.5.90 of Amberpet SB A/C No.216991 standing in the name of MD.Khasim into HO accounts. The DLT and BAT noted on the SB-7 are Rs-4-90 and Rs.4331.60 respectively. As per HO records the DLT was 27.2.90 and the BAT was Rs.5367.30. The Passbook was not called for for verification the BAT and DLT were not tallied with HO records. A sum of Rs.500/- was actually on 10-5-90 as per Passbook where as Rs.2000/- withdrawal only was accounted for. The following transactions were not accounted in the said a/c though entered the passbook.

<u>Date</u>	<u>Deposit</u>	<u>Withdrawal</u>
13.2.89	3000.00	
21.4.89	2,500.00	
16.8.89		2500.00
10.5.90		5000.00

The Govt.servant in his statement dated 23.1.93 given before ASP(R) Hyderabad South East Division, stated that the Passbook was called for for verification and the result was not noticed due to rush of work. The depositor in his statement dated 4.2.91 given before ASP(R) Hyderabad South East Division stated that the above transactions were correctly noted in his passbook. Thus Shri.M.Ramalinga Reddy failed to follow the provisions of Rule 31(2) (iii) and Rule 33 of POGB Manual Volume I.

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were accounted for.

DATE	Deposit	Withdrawal
28.11.88	1000.00	-
19.12.88		200.00
7.2.89		300.00

Thus, Shri. M. Ramalinga Reddy failed to follow the Provisions of Rule 31(2) (iii) and Rule 38 of POSB Manual Volume I.

5. The Govt. servant while working as APM, SB Stn. Kachiguda HO allowed a deposit of Rs.50/- dt.25.6.90 in respect of Amberpet SO SB A/C No.218697 standing in the name of Smt. Rupquia Begum into HO accounts. The DLT was noted as 7.9.89 on the pay-in-slip. As per the HO ledger card the DLT was 14-10-88. The BAT noted in the vouch-cher, is Rs.175/- against the BAT of 187-35 of HO. As per Passbook the BAT was Rs.300.95. The Govt. servant in his statement dated 22.1.93 given before ASP(R) Hyderabad South East Division stated that he do not remember whether the Passbook was called for.

Hence the Govt. servant failed to follow the provisions of Rule 31(2) (iii) and Rule 38 of POSB Manual Volume I. In this account the following transactions though entered in the Passbook were not accounted for.

Date	Deposit	Withdrawal
8-12-88	700.00	
16-12-88		100.00
18.1.89		500.00
7.9.89	20.00	
31.8.90		200.00

6. Shri. M. Ramalinga Reddy, while working as APM (SB) Stn. Kachi-guda HO allowed a withdrawal of Rs.2000/- dt.10.5.90 of Amberpet SB A/C No.216991 standing in the name of MD. Khasim into HO accounts. The DLT and BAT noted on the SB-7 are 26-4-90 and Rs.4331.60 respectively. As per HO records the DLT was 27.2.90 and the BAT was Rs.5367.30. The Passbook was not called for for verification the BAT and DLT were not tallied with HO records. A sum of Rs.500/- was actually on 10-5-90 as per Passbook where as Rs.2000/- withdrawal only was accounted for. The following transactions were not accounted in the said a/c though entered the passbook.

Date	Deposit	Withdrawal
13.2.89	3000.00	
21.4.89	2,500.00	
16.8.89		2500.00
10.5.90		5000.00

The Govt. servant in his statement dated 23.1.93 given before ASP(R) Hyderabad South East Division, stated that the Passbook was called for for verification and the result was not noticed due to rush of work. The depositor in his statement dated 4.2.91 given before ASP(R) Hyderabad South East Division stated that the above transactions were correctly noted in his passbook. Thus Shri. M. Ramalinga Reddy failed to follow the provisions of Rule 31(2) (iii) and Rule 38 of POSB Manual Volume I.

(Contd....4)

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10. The Govt.servant who is working as APM(SB) Stn.Kachiguda HO allowed a deposit of Rs.100/- dt.3.2.89 in Ambeomet SB A/C No.218574 standing in the name of Shri.J.Venu into HO accounts. The DAF has noted on the pay-in-slip as Rs.100.00. whereas as per HO records the AMT was Rs.3000.00. Shri.M.Ramalinga Reddy failed to call for the Passbook for verification. The Govt. servant in his statement dat dd 23.1.93 given before ASP(R) Hyderabad South East Division. stated that he do not remember whether the Passbook was called for or not. In this account the following transactions were not accounted for though entered in the Passbook prior to the date of the above transaction.

<u>Date</u>	<u>Deposit</u>	<u>Withdrawal</u>
5.12.88	1000.00	
12.12.88	1000.00	
20.12.88		500.00
4.1.89		1500.00

Hence the Govt.servant failed to follow the provisions of Rule 31(2) (iii) and Rule 38 of POSS Manual Volume I.

During the period in which Shri.M.Ramalinga Reddy worked as APM, Savings Bank, Stn.Kachiguda HO a sum of Rs.2,26,064/- was misappropriated in 173 accounts of Ambeoret SC

Therefore it is alleged that Shri.M.Ramalinga Reddy failed to maintain absolute integrity and devotion to duty as required under Rule 3(i)(i) and (ii) of CCG(Conduct) Rules, 1964. "

Shri.M.Ramalinga Reddy in his representation dated 8.6.93 requested to drop the charges on the plea that as per rule 31(2) (iii) and Rule 38 of POSS Manual Volume I, he does not have any responsibility and his duty is only to compare the entries with LOT. Further he stated that the chargesheet is not clear.

Where as the rules 31(2) (iii) and Rule 38 of POSS Manual Volume I, clearly show the duties of an APM of Head Office. The rules say that the pay-in-slip/withdrawal form, List of transaction and the binder should be kept before the APM, so as to enable him to compare and check the entries IN ALL THE DOCUMENTS and initial the entries.

Hence the explanation of the Govt.servant is not satisfactory. Had he performed his duties with devotion, and exercised the necessary checks, misappropriation of such huge amount of Rs.2,26,000/- would not have taken place and the fraud could be detected at the early stage itself.

The contention of the official that the chargesheet is not clear is incorrect. The SB A/C No, name of the depositor, date of transaction and the details of irregularities committed were clearly shown. The accused further admitted the above irregularities and stated that he did not check

(Contd....6)

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the entries due to rush of work vide his statement dtd. 22.1.93 given before Shri. V. E. Lappe, ASP (R) Hyderabad South East Division. Thus the allegations made against the Govt. servant are proved.

I am of the opinion that Shri. M. Ramalinga Reddy is responsible for serious lapses, and therefore order that a sum of Rs. 21,096.00 (Rupees Twenty one thousand nine hundred and six only) be recovered from his pay in 36 instalments @ Rs. 596/- P.M. The order will take effect immediately.

(M. ELESHA)

Senior Supdt. of Post Offices
Hyderabad South East Division
Hyderabad-500 027.

A copy of this memo is issued to:-

REGD/AD

1. Shri. M. Ramalinga Reddy, SPM, L.B. Nagar.
2. PF of the official.
3. Register of disciplinary cases.
4. Punishment register.
5. CR of the official.
6. The Postmaster, Stn. Kachiguda HO for information and necessary action.
7. Spare.

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ADM

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RECEIVED V

DATE 17.11.93
2934

FROM:

M. Ramalinga Reddy,
SPM., L.B.Nagar,
(Hyderabad S.E. Division)

TO

The D.P.S.,
Hyd. City Region Office of the
CPMG,
HYDERABAD - 500 001.

SIR,

Sub:- Appeal against the order of punishment of recovery of Rs. 21,096/- ordered by the SSPoS Hyd. S.E. Division Vide his Memo No.F4-1/90-91/PR, Dated 29-10-93.

Aggrieved by the above order, I submit the following few lines with a fervent request to consider the case sympathetically and set aside the punishment imposed on me as the same being arbitrary and totally unjustified.

Brief Facts of the Case: I was working as APM(SB) Stn. Kachiguda, H.O. from 1-7-87 to 22-4-91. Smt. Y. Rajarajeshwari, SBPA, Amberpet committed certain frauds. While the reason for the same was nothing but the indulgence of the then SSPoS towards her, his allowing her to overstay her tenure and his keeping in abeyance her transfer order, for facilitating to coverup the frauds, the department or the investigating officers did not exert much to recover the loss from her which has resulted in huge loss to the Department. To makeup the loss several officers were charge sheeted and I was unfortunately one among them. I had replied to the charge sheet. On 8-6-93 without considering any of the points raised by me the SSPoS issued a punishment order on 28-29-10-93 ordering recovery of Rs.21,096/- from my pay which was totally unjustified. Hence this Humble appeal on the following grounds.

1. It is submitted that if a charge sheet is issued to me I should be able to ensure that I can answer to it. The nature of mistake I committed the day on which I committed

these mistakes and my negligence or lapse should be specified. It was held by the courts as reported vide (1983) SLJ 124 that the chargesheet should contain definite fact and should not be vague. It was held by the Hon'ble High Court Bangalore that the charges should be accurate and not vague. (1983) 1 KERN LJ 211) as per the observation of the Honourable Supreme Court in Sarath Chandra Vs. State of West Bengal AIR 1971 SC 752 the charge should not be so bare as incapable of having intelligently understood.

In the charge sheet issued to me even the dates of commission of the offence are furnished. All the dates furnished relate to sub-office and also sub-office transaction are incorporated in H.O. on the day, two days or even three days following the transaction depending on the transit time. In the absence of the furnishing of the date of offence the same cannot be presumed and the guilt owned or disowned. As observed in the Supreme Court it was incapable of having intelligently understood to put up any defence. Such charge sheet is liable to be quashed.

2. It was observed by the Central Administrative Tribunal (1989) 9 ATC 503 referring to 1976) SIR 133) that in the absence of allegations of personal gain or corrupt practices, mere in action in discharge of statutory powers even though resulting in monetary loss to the Department, is beyond the disciplinary jurisdiction of the department. There is no allegation of personal gain or corrupt practices against me in the charge sheet and so the case is beyond the disciplinary jurisdiction of the Department.

It is further submitted that the Hon'ble Supreme Court Vide case Law (1979) 2 SCC 286 to 1979 SCC (Laws) 157 of AIR 1979 SC 1022, held that misconduct means misconduct arising from illmotive. Since no illmotive is.

attributed to me there was no misconduct as such on my part to be proceeded against. As such the charge sheet is void ab initio.

3. Since the punishment awarded is recovery of the charge sheet should have been in conformity with rule 106 and 107 of P and T manual Vol. III and DGP P and T letter No. 114/176/78-Disc II, dt. 13-2-81. A plain reading of the D.G.'s letter says that penalty of recovery can be imposed only "If the lapse on his part have either led to the commission of the fraud or misappropriation or frustrated to inquiries, as a result of which it has not been possible to locate the real culprit", in this case the culprit was not only located but she admitted the frauds, she was dismissed from the service and also convicted by a court of law and so the second part of the stipulation to hold me responsible fails. The first part stipulated not a simple nexus between the lapse and the fraud but the lapse should because of the fraud failure to check the vouchers of SB at the H.O. in which case there were frauds did not cause the frauds which anyhow, already took place and so the first part of the stipulation also fails and there was no ground to charge sheet me for imposing penalty of recovery.

According to the instructions and Rule 106 and 107 of P and T manual Vol-III where there is a *prima facie* case to award a punishment of recovery, the charge sheet should be framed in a particular manner. The amount of loss caused due to commission and omissions for which one could be held responsible the modus operandi and the manner in which one facilitated the fraud should be explained in the charge sheet so that the Govt. Servant could explain as to how his omissions and commissions were not the cause of the frauds. No recovery

from pay can be ordered through a charge sheet lacking any of the above attributes. In my case the charge sheet lacks in all the above minimum attributes.

4. In the proceedings, when the SSP found that the case is not proved through unimpeachable documentary evidence he relied on my preliminary statement recorded some 2 to 3 years after the incident. The disciplinary authority is barred from relying on preliminary statements as observed by the court (AIR 1961 Calcutta 40, 1990 (3) S. L. J. CAT '91 Patna) After all, if the basis of punishment is the preliminary statement recorded without giving any opportunity, charge sheet is rendered redundant. Such a punishment is liable to be set aside.

5. Even the punishment order does not speak of the loss in the case and the amount of loss attributable to me. The SSP simply says that I am responsible for serious lapses and therefore ordered recovery of Rs. 21,096/-, without establishing the relation between the lapses and the amount. The loss in the case cannot be presumed but should be put in black and white in the charge sheet and the proceedings failing which I have no opportunity to prove that I am not responsible for the loss. The operative part of the punishment order is so bald that it cannot operate as if there was proved lapse any punishment of other than recovery alone could have been imposed.

6. Coming to the charges I submit that my responsibility was only to compare the entries with the LVI as per rule 38 of POSB manual and unintended meaning can not be induced to the rules.

7. while the punishment is totally unjustified and unwarranted, it is also extremely harsh, it is a crushing blow.

PRAYER :

In the circumstances I most humbly pray to you to set aside the order of punishment for which I will be highly grateful.

I further pray to you to stop the operation of the punishment pending disposal of this humble appeal.

Thanking you,

Yours faithfully,

(M. RAMLINGA REDDY)

Copy to the DDO's, Hyderabad,
Set. Division.

TC.

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ADV

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 112/94

Date of Order: 7-2-94.

Between:

M. Ravalinga Reddy .. Applicant.

and

1. The Director of Postal Services,
Hyderabad City Region, Hyderabad.
2. Senior Superintendent of Post Offices,
Hyderabad South East Division, Hyderabad.

... Respondents.

For the Applicant: Mr. S. Ramakrishna Rao, Advocate

For the Respondents: Mr. N. R. Devraj, Sr. CGSC.

CORAM:

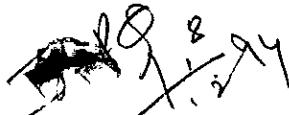
THE HON'BLE MR. JUSTICE V. NEELADRI RAO : VICE-CHAIRMAN
ANDTHE HON'BLE MR. R. RANGARAJAN : MEMBER (ADMN)
The TribunalAdmit: Post it for final hearing alongwith OA. 103/94,
88/94 and 89/94 on 15.3.94. For reply in the meanwhile.Until further orders the impugned order in regard
to recovery of pay is suspended.

 Deputy Registrar (J) C.C.

To

1. The Director of Postal Services,
Hyderabad City Region, Hyderabad.
2. The Senior Superintendent of Post Offices,
Hyderabad South East Division, Hyderabad.
3. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT. Hyd.
4. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT. Hyd.
5. One spare copy.

pvm



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 (A)

AND

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

AND

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

Dated: 7 - 2 - 1994.

ORDER/JUDGMENT

101897 (5394)

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

O.A.No.
T.A.No.

112/94

(W.P.No.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions.

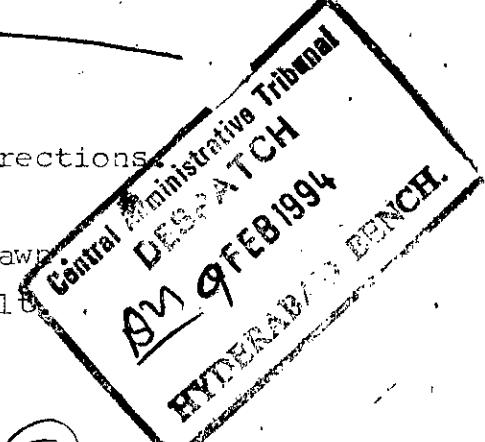
Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.



3/2/94

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD
AT HYDERABAD.

O.A.NO. 112 of 1994.

Between

Dated:

M. Ramalinga Reddy

...
And

Applicant

1. The Director of Postal Services, Hyderabad City Region, Hyderabad.
2. The Senior Superintendent of Post Offices, Hyd South East Division, Hyderabad.

...
Respondents

Counsel for the Applicant : Sri. S. Ramakrishna Rao
Counsel for the Respondents : Sri. N.R. Devaraj, Sr. CGSC.

COURT:

Hon'ble Mr. Justice V. Neeladri Rao, Vice Chairman
Hon'ble Mr. Rajendraprasad, Administrative Member

The Hon'ble Tribunal made the following order:-

Post on 31.3.1994. The interim order is extended
till 31.3.1994.

Amolika 16/3/94
Deputy Registrar (Judicial)

Copy to:-

1. The Director of Postal Services, Hyderabad City Region, Hyderabad.
2. The Senior Supdt. of Post Offices, Hyderabad South East Division, Hyderabad.
3. One copy to Sri. S. Ramakrishna Rao, advocate, CAT, Hyd.
4. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
5. One spare copy.

Rsm/-

Amolika 16/3/94

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16/3/94 O.A. 112/94

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

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

AND

THE HON'BLE MR. A. B. S. TENDULKAR

AND

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

AND

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

Dated: 15/3/1994

ORDER/JUDGMENT

M.A/R.A/G.A No.

in
O.A. No. 112/94

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

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions. Central Administrative Tribunal

Dismissed.

Dismissed as withdrawn. 21 MARCH 1994

Dismissed for default. HYDERABAD BENCH.

Rejected/Ordered.

No order as to costs.

3/16/94
3/13/94

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. NO. 112 OF 1994

Between:

M.Ramalinga Reddy ... Applicant

And

The Director of Postal Services
Hyderabad City Region
Hyderabad and another ... Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF ALL THE RESPONDENTS

I, K.Sandhya Rani, D/O K.Papa Rao aged 32 years,
Occupation: Government service, do hereby affirm and state
as follows:

I am an Assistant Postmaster General (S&V) in the
office of the Chief Postmaster General, Hyderabad-1 and as such
I am fully acquainted with all facts of the case. I am filing
this Counter Affidavit on behalf of all the respondents as I
have been authorised to do so. The material averments in the
affidavit are denied save those that are expressly admitted herein.
The applicant is put to strict proof of all such averments
except those that are specifically admitted hereunder:

2. It is submitted that Smt.Y.Rajarajeswari worked as
Postal Assistant, Amberpet S.O. from 18-3-86 to 16-9-90. She
committed Savings Bank frauds to the tune of Rs.2,26,064/- by
way of permanent misappropriation and Rs.4,31,426/- by way of
temporary misappropriation. The department could recover only
Rs.20,000/- from Y.Rajarajeswari and the balance of loss of
Rs.2,06,064/- remained unadjusted. Y.Rajarajeswari was dismissed
from service in departmental action. Criminal prosecution
launched against her ended in conviction to undergo RI for one

Reddy
ATTESTOR

सहायक लेडी अधिकारी (बजट)
Assistant Accounts Officer (Budget)

मस्तक प्राधान सहायक लेडी अधिकारी
Office of the Chief Postmaster General,
आ०.प. वृक्षालय, बृक्षालय-500 001
A.P. CIRCLE, HYDERABAD-500 001

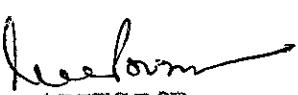
DEPONENT
Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad-500 001.

year and a fine of Rs.2,000/- As the loss ~~was~~ caused to the department remained unadjusted the question of recovery of part of the loss from the officials whose negligence in their duties contributed to the perpetuation of fraud by Y.Rajarajeswari was examined and the department has identified the following officials.

	<u>Recovery ordered</u>
1. Y.Komaraiah	Rs. 4,956/-
2. G.Balaram	Rs. 6,396/-
3. M.Ramachandra Rao	Rs.18,216/-
4. M.Ramalinga Reddy	Rs.21,096/-
5. Hafeez	Rs.14,508/-
 Total	 Rs.65,172/-

The applicant worked as APM (Savings Bank), Station Kachiguda HO during the period 1-7-87 to 22-4-91. During the period the applicant was found negligent in his work which resulted in commission of frauds by Y.Rajarajeswari and consequential loss of Rs.2,06,064/- which remained unadjusted. Therefore minor penalty proceedings under 16 of CCS(CCA) Rules, 1965 were initiated against the application by the second respondent on 7-5-93 and final orders were issued on 29-10-93 imposing recovery of Rs.21,096/- being the maximum permissible recovery of loss in terms of Rule 108 of P&T Manual Volume III.

The applicant submitted appeal to the DPS, Hyderabad City Region. While the appeal is pending the applicant filed OA 1473/93 on the file of CAT, Hyderabad Bench with a prayer to suspend the recovery till the disposal of the appeal. The OA was ordered on 11-12-93 suspending the recovery pending disposal.


ATTESTOR

सहायक लेज़ा अधिकारी (बज़ेट)
Assistant Accounts Officer (Budget)
मुख्य सेवाकार्यालय अम्भाल दर्ता कार्यालय
Office of the Comptroller & Auditor General,
श्री ह. बाबू राम, हैदराबाद-500 001.
A P CIRCLE, HYDERABAD-500 001

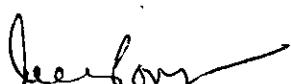

DEPONENT
Assist. Compt. & Auditor General & V.
O/o, Compt. Auditor General,
A.P. Circle, Hyderabad-500 001.

of the appeal by the appellate authority. The appellate authority considered the appeal of the applicant and rejected the same vide orders dated 17-1-94 against which the present OA is filed.

It is submitted that as per rules 31(2)(iii) and Rule 38 of Post Office Savings Bank manual Volume I the applicant as APM(SB) is clearly charged with the responsibility of verification of list of transactions of Sub Office with reference to pay-in-slip in the case of deposits and warrant of payments in the case of withdrawals, compare and check the ~~sort~~ entries in these documents and initial the entries in the ledger card in case of each transaction. The relevant rules are extracted hereunder.

Rule 31(2)(iii): Procedure in Head Office for Deposits at Sub Offices: In the Head Office the Ledger Assistant will make an entry of deposit in the ledger card against the actual date of deposit shown in the list of transactions under his signature. He should compare the amount of deposit and balance in the pay-in-slip with that in the list of transactions and ledger card. He should correct the balance in the pay-in-slip if the difference is due to non-addition of interest in the sub offices. Thereafter the Ledger Assistant should sign at the bottom of the list of transactions in token of having posted the transactions. The pay-in-slip, the list of transactions and the ~~wh~~ should compare ~~aced~~ before the Postmaster the documents and initial the entries in the ledger card. After check he will return the documents to the Ledger Assistant.

Rule 38 (1):(a): Procedure in Head Offices in respect of withdrawal at Sub Offices: When the amount of a withdrawal is paid by a sub office the amount paid will be shown in the list of transactions and the charg will be supported by the warrant of payment duly signed by the person to whom payment was made. The balance entered by the depositor on the application shall be checked by the Ledger Assistant with the balance in the ledger card. The signature of the depositor on the application should also be compared by him with the specime


ATTESTOR

सहायक लेज़ा अधिकारी (बजट)
Assistant Account Officer (Budget)
मरुष पोस्ट ऑफिस, हैदराबाद कार्गिल
Office of the Post Office, Hyderabad-Kargil
आ.प. वर्क्स, 101, 102, 103, 104, 105
A.P. WORKS, 101, 102, 103, 104, 105
A.P. CIRCLE, HYDERABAD-500 001


DEPONENT
Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General
A.P. Circle, Hyderabad-500 001.

in the application card/S.S.card and the signature of the person who received payment on the warrant should be compared with that on the application, in the case of withdrawal made at single handed sub offices. In the case of withdrawal made at other sub offices (not in ISG or above) the check of the signature should be carried out in respect of withdrawal of Rs.1000/- or above. This check need not be exercised in respect of withdrawal at sub offices in ISG or above.

Rule 38 (3) :

An entry of the withdrawal should be made in the ledger card by the ledger assistant against the entry of the actual date of payment as shown in the LOT and the relevant entry in the LOT initialled in the remarks column. The warrant of payment, the list of transactions and the ledger card should then be placed below before the Postmaster, who should compare and check the entries in these documents and initial the entries in the ledger card.

The applicant failed to exercise the prescribed checks and mechanically signed the entries without comparing the records and signed the entries which contributed to the commission of frauds by Y.Rajarajeswari in 123 accounts over a span of 2 years. Had the applicant been vigilant ~~and~~ the frauds would have come to light much early and the volume of frauds could have been reduced. Though ~~only~~ ~~.....~~ Account Nos. 218883, 216420, 218160, 217621, 218647, 216991, 218150, 218923, 218984, 218574 were discussed in the statement of imputations it was also specifically imputed that the applicant was negligent in checking the transactions in 123 accounts in which frauds were committed by Rajarajeswari.

3. In reply to para 4 of the OA, the respondent submit their reply as follows:

(i) It is submitted that the claim of the applicant that Smt.Y.Rajarajeswari was allowed to overstay her tenure is not correct. She joined at Amberpet on 18-3-86 and was transferred

Deebor

ATTESTOR

सहायक लेखा अधिकारी (बजट)
Assistant Accountant Officer (Budget)
मुख्य प्रबन्धालय, दिल्ली राज्य सरकार
Office of the Chief Post Master General,
कोटा, राजस्थान 326001.
E-mail: postmaster@apcircle.ap.nic.in

SL
DEPONENT
Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad-500 001.

in the year 1990 after completion of tenure of 4 years in the office. The Amberpet PO was inspected periodically. The main offender was charge sheeted and was dismissed from service. She was also convicted in criminal case. Major penalty proceedings were instituted against D.Waru and C.Rajaiah who worked as SPMs. Charge Sheets were issued to the five subsidiary offenders for their negligence which contributed to the frauds.

(ii) The relevant rules of Savings Bank were quoted in Charge Sheet on the applicant. The Rule 3(1)(1) of CCS (conduct) rules specifies lack of devotion to duty by non following the provisions of rules cited in the statement of imputation of misconduct or misbehaviour specified in the charge sheet.

(iii) It can be seen from the ~~xx~~ proceedings issued on 29-10-93 that the points raised by the applicant in the above para were discussed.

(iv) The punishment was imposed after it was clearly established that the applicant showed gross negligence in discharging his duties. Though the fraud was spread over a span of two years, his failure to perform his duties resulted in Commission and continuation of frauds. Had he performed his duties with devotion the fraud could have come to light in the early stages and such a huge loss of public money could have been avoided. The applicant cannot escape his responsibility. Hence it is quite incorrect and baseless to say that the punishment imposed was in violation of rules and instructions.

a) It is not a case of mere inaction in discharge of duties but gross negligence in doing the same. The negligence caused loss to the department and the punishment was awarded vide rule

Reckon

ATTESTOR

सहायक लेखा अधिकारी (बजट)
Assistant Accounts Officer (Budget)
मुख्य पोस्टमास्टर अम्बरपेट कांकिर्णीय
Office of the Chief Post Mts at Kankiriyam,
आ.प. पृष्ठमेल, हैदराबाद-500 001.
A.P. CIRCLE, HYDERABAD-500 001

John
DEPONENT

Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad-500 001.

106 and 107 of Volume III. The misconduct is punishable under CCS (Conduct) Rules, 1064.

b) Though there is no ill motive or corrupt practice, ^{in discharge} ~~of his~~ there was gross negligence ~~in discharge~~ ^{of his} duties and ~~in discharge~~ in following the rules prescribed for checking of SB transactions of sub-offices.

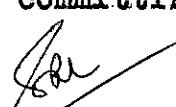
c) It is incorrect to say that the dates on which he showed gross negligence were not shown. The nature of irregularities, the dates of transaction, the particulars of S.B. accounts and the amounts misappropriated were clearly shown. Since the applicant was the APM during the entire span of frauds it was also specifically imputed that he was negligent in respect of all the transactions that took place in 123 accounts in which frauds were committed. The dates appearing on the pay-in-slip and withdrawal forms were shown. The initials of the applicant in token of having verified the entries were found in the H.O. ledger cards. All the HO ledger cards were shown to him and he admitted his signatures.

d) Had the applicant discharged his duties diligently the fraud could have been detected in early stages and the loss to the department would have been much less. The gross negligence showed by the applicant contributed to the frauds.

e) There is definitely a nexus between the fraud and the lapses. The main duty of APM(SB) is to check the transactions of Sub Offices properly and detect the discrepancies. Had he detected the irregularities, the fraud could have come to light. Though the real culprit is found, the applicant cannot be free from the charge of gross negligence when contributed in committing the fraud.


ATTESTOR

सहायक लेखा अधिकारी (बजट)
Assistant Accounts Officer (Budget)
मुख्य पोस्टमास्टर अमेरिका कार्यालय
Office of the Chief Post Master General,
आ० प्र. पार्केंडल, हैदराबाद-500 001.
A P CIRCLE, HYDERABAD-500 001


DEPONENT
Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad-500 001,

f) The disciplinary authority did not rely on preliminary statements only. There was ample documentary evidence in the form of list of transactions, Pay in slip, withdrawal forms and HO ledgers.

4. In reply to the grounds, the respondents submit as follows:

i) As the applicant himself admits, contributory negligence is acting or committing to act in a manner by which a fraud could be committed in a way so as to enable Smt.Y.Rajarajeswari to commit fraud. It is incorrect to say that the applicant working in the Head Office had no means to prevent the fraud. He could have easily prevented the fraud, had he brought the difference in the balance found on the voucher and the balance as per the HO ledger to the notice of the higher authorities or had he called for the pass books to verify the actual balances.

ii) The system of accounting in the department is such that even if the immediate supervisor fails to notice the mistakes, there is always a third person to locate the mistakes. The applicant being Incharge of Savings Bank branch of Head Office had every opportunity to detect the fraud. But he failed in this important duty. The SPM of the Sub Office Shri A.D.Waru is not spared. Departmental action and police case against the SPM is in progress. In order to escape, the applicant is contending that his duty is only consolidation and nothing else. In reality, all the SO transactions are to be checked and he is also expected to ensure proper ~~supervision~~ supervision over the ledger clerks.

iii) All information sought by the applicant was furnished

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ATTESTOR

सहायक लेखा अधिकारी (बजट)
Assistant Accounts Officer (Budget)
मुख्य प्रशासनिक अधिकारी का कार्यालय
Office of the Chief Post Master General,
आ.प. कार्यालय, हैदराबाद-500 001.
A.P. CIRCLE, HYDERABAD-500 001

J. A.
DEPONENT
Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad-500 001.

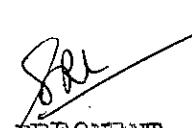
in the charge Memo. This can be verified from the charge sheet issued to him.

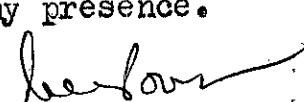
iv) The contention of the applicant that in the absence of allegation of personal gain or corrupt practice failure to do duty through resulting in loss to the department is beyond the Disciplinary jurisdiction is incorrect. The concept of contributory negligence denotes that a Govt. servant by his negligence ~~negligence~~ ~~to committe~~ ~~frauds and~~ thereby causes loss to the Government such negligence is punishable. Whether the real culprit is traceable or not found the applicant is responsible for his negligence.

v) Though the loss sustained by department that remained ~~Rs. 21,096/-~~ as per rule 108 of P&T Manual Volume III the maximum amount which may be recovered from an official on account of the loss caused to the department through his negligence should be 1/3 of his pay spread over a period of 3 years. Therefore only 1/3rd of his basic pay for a period of 3 years was only orders to be recovered. The basic pay of the applicant is Rs.1760/- and 1/3 workedout to Rs.586/-. Accordingly Rs.21,096/- constituting 36 instalments @ Rs.586/- per month was ordered, ~~to be recovered~~.

For the reasons stated above, the applicant has not made out any case either on the facts or on law and there is no merit in the O.A. It is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the OA with costs and pass such further and other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances.

Solemnly and sincerely affirmed
this 29th day of ~~1994~~ 1994 and
signed his name in my presence.


DEPONENT
Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad-500 001,

 BEFORE ME

महायका अटेस्टर (वजट)
Assistant Accounts Officer (Budget)
मध्य प्रदेश प्रभारी उपराजपत्री कार्यालय
Office of the Comptroller of Posts & Telegraphs

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

O.A.NO.112 OF 1994

Between:

M.Ramalinga Reddy ... Applicant

And

The Director of Postal
Services
Hyd. City Region
Hyderabad and another ... Respondents



Complaint filed

Filed on:

*Received copy
S. Ramalinga Reddy
30/3/94
For - S. Ramalinga Reddy
Advocate*

Filed by: *MR. S. R. Reddy*

*we file
man
Rajendra*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

O.A.No.112 of 1994

Between:

M. Ramalinga Reddy,
S/o Narsi Reddy,
aged about 45 years,
Occ: Sub-Postmaster,
L.B.Nagar PO.,
Hyderabad.

..Applicant

A N D

1. The Director of Postal Services,
Hyderabad City Region,
Hyderabad.
2. The Senior Superintendent
of Post Offices,
Hyderabad South East Division,
Hyderabad.

..Respondents

REJOINEDER FILED BY THE APPLICANT FOR THE COUNTER AFFIDAVIT
FILED BY THE RESPONDENTS

I, M. Ramalinga Reddy, S/o Narsi Reddy, aged about 45 years working as Sub-Postmaster, LB Nagar Post Office, Hyderabad, do hereby solemnly and sincerely affirm and state on oath as under:

1. That I am the defendant herein and therefore well acquainted with the facts of the case.
2. I submit that the Respondents have filed their counter affidavit in OA No.112/94 and having gone through I choose to file a rejoinder to the same. I deny all the allegations, except those, specifically admitted by me. The respondents are put to strict proof of the same. I deny the averments made in the counter by the respondents on the following grounds:

In reply to para 2 of the counter, I submit that my negligence had not resulted in frauds. The frauds were committed at Amberpet SO independently by Smt Raja

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Rajeswari and even the Sub-Postmaster, Ambeerpeta was unaware of the same. The HO cannot detect the frauds committed at SO, in those transactions, which include in the various statements submitted to it. The respondents have reproduced rules 31 (2) (iii), 38 (1) (a) and 38 (3) of POSB manual. These rules, thus, make it clear that Assistant Sub-Postmaster need not check the vouchers and compare the signatures. He has to only "compare the entries",

... prescribe that the Asstt. Post-Master should check each and every transaction. As far as comparing the entries is concerned, I had done it. Even the counter admit that only 10 accounts are shown in the charge sheet.

For contributory negligence only, the loss sustained by the Department is, all the 10 accounts mentioned in the charge-sheet, the position is as under:

<u>Unaccounted deposit</u>		<u>Unaccounted withdrawal</u>	<u>Difference</u>
218883		Details not given	
216420	2300	2300	Nil
218160	1350	1500	(+) 150
217621	1000	500	(-) 500
218697 and not			
218647 as stated	720	800	(+) 80
216991	5500	7500	(+) 2000
218150		No details were given	
218923	2070	2000	(-) 70
218984	935	Nil	(-) 935
218574	2000	2000	Nil
Net loss (if any) (150 + 80 + 2000) - (500 + 70 + 935)			
= 2230 - 1475 = (+) 755			

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As such the chargesheet does not show any loss sustained by the department on account of my negligence and was on any rule 106 and 107 of P & T Manual Vol.III and D.G.'s instructions dated 13.2.1981 I cannot be punished with recovery. Regarding the contention that Smt Rajarajeswari misappropriated Rs. 2,26,024 in 123 SB Accounts, it is submitted that it is too much to expect me to defend the charge without furnishing the details required under rule 106 and 107 of P & T Manual Vol III and D.G.'s instructions dated 13.2.1981. As such the punishment of recovery ordered on me is without any

(ii) In reply to para 3 (1) I submit that apart from tenure in a post office, there is tenure in every ~~working~~ Branch of a Post Office. This was not observed in case of Smt Rajarajeswari and the respondents are silent on this. As per rules, she should have been allowed to work only for six months at a stretch but she was allowed continuously in 4 $\frac{1}{2}$ years, without assigning any reasons for extraneous considerations.

(iii) In reply to para 3 (ii) of the counter, I submit that the rules quoted do not support the charges against the sub-Postmaster as already submitted.

(iv) In reply to para 3 (iii) of the counter, I submit that the contentions raised in the said para is nothing but travesty of truth. The points raised by me were not at all discussed in the counter.

(v) In reply to para 3 (iv) of the counter, I submit that gross negligence is different from negligence resulting in fraud. My action or inaction did not result in fraud and the frauds were committed independently by Smt Rajarajeswari and even the Sub-Postmaster was unable to detect it.

(vi) In reply to para ~~xxx~~ 3 (iv) (a), I submit that there is no negligence at all on my part and no fraud was caused by me.

(vii) In reply to para 3 (iv) (b), I submit that admittedly there was no ill motive. Therefore, the punishment of recovery was unwarranted. If there is ~~no~~ any lapse, any punishment other than recovery can be imposed.

(viii) In reply to para 3 (iv) (c), I submit that speaking about 123 accounts in the counter, of which no details were given, makes no sense and is not at all relevant to my case, as I cannot have defended without details.

(ix) In reply to para 3 (iv) d), I submit that it is not explained in the counter as to how the fraud could have been detected. In fact as per DG's letter dated 13.2.1981, the chargesheet issuing authority was duty bound to explain how I could have prevented the frauds.

(x) In reply to para 3 (iv) (e), I submit that the lapses mentioned in the counter are marginal and the nexus is illusionary. It is for the respondents to explain why I cannot have prevented the frauds.

(xi) In reply to para 3 (iv) (f), I submit aht admittedly the disciplinary authority relied on the preliminary submission also and was holding an enquiry was mandatory as observed by the Hon'ble CAT, Madras vide 1987 (10) ATC 86 Madras.



(xii) In reply to para 4 (1), I submit that the contention that I acted in such a way as to enable Smt Rajarajeswari to commit fraud is vague. It should be specifically stated that as to how I could have prevented the fraud as per the DG's letter dated 13.2.81.

(xiii) In reply to para 4 (2), I submit that the averments made in the counter are misleading. In this case, the Postal Assistant committed frauds. The transactions were incorporated in the accounts, where the sub-Postmaster would have detected the frauds is not pertinent in my case. But whether I could have detected the frauds when the transactions were not counted for even by the Sub-Postmaster is the pertinent point. The HO is guided by the records submitted by the sub office.

(xiv) In reply to para 4 (iii), I submit that the contention in this para is totally incorrect. The chargesheet does not contain all the information as required in the DG's letter dated 13.2.1981.

(xv) In reply to para 4 (iv), I submit that the real concept of contributory negligence is that one should directly contribute to the fraud. For example, if the specimen signatures are to be verified by the higher authority before payment and if that authority attests the signature without verification and if the consequent portion is fraudulent, that higher authority contributed to the fraud as had he pointed out the variation in signature before payment, the fraud could have been prevented. No such thing happened in my case.

(xvi) In reply to para 4 (v) of the counter, I



submit that the maximum permissible amount was ordered to be recovered I failed to understand by only 1/3 of pay for 3 years only was recovered.

I submit that the counter is silent on my pleadings in para 5 (1) (a), (c), (f) (g). In fact the chargesheet itself is not maintainable for not showing the dates on which I committed the irregularities as observed vide 1989 (12) ATC 99, CAT, Hyderabad Bench.

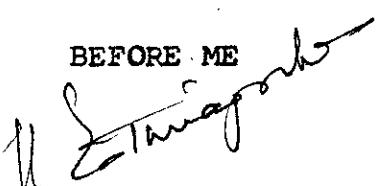
In the light of submissions made above, it is respectfully prayed that the Hon'ble Tribunal may be pleased to grant the reliefs prayed for in the OA duly setting aside the punishment of recovery as arbitrary, unwarranted and in violation of principles of natural justice, with all the consequential benefits and pass such other and further order or orders as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

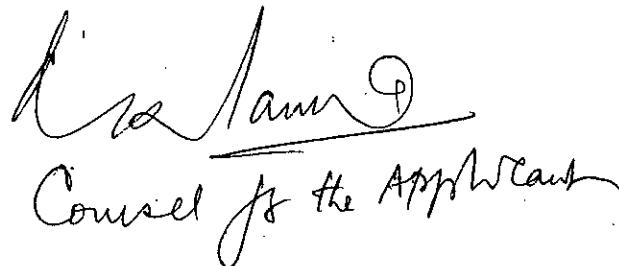
Sworn and signed on
this the 3rd day of August
1995 at Hyderabad.



DEPONENT

BEFORE ME


ADVOCATE


Counsel for the Applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
HYDERABAD BENCH AT HYDERABAD

O.A.No.112 of 1995

Between:

M.Ramalinga Reddy ..Applicant

A N D

The Director of
Postal Services,
Hyderabad City
Region, Hyderabad
and another

..Respondents



REJOINED FILED BY THE APPLICANT TO
THE COUNTER AFFIDAVIT FILED BY THE
RESPONDENTS

Filed for: Applicant

Filed on:

Filed by:

Sanka Rama Krishna Rao,
Advocate, 1-1-230/9,
Andhra Bank Lane,
Chikkadapally, Hyderabad.

COUNSEL FOR THE APPLICANT

(60)

OA.82/94, OA.83/94, OA.103/94, OA.112/94, & OA.113/94

Dt. 23-9-97

Judgement

Order from Hon. Mr. W. Rajendra Prasad, Member (Admn)

OA.82/94

The applicant, while he was posted as PA/SPM of Ambeerpeta Sub Post Office, was charged under Rule 16 of CCS (CCA) Rules, 1965, for his failure to detect or prevent certain fictitious transactions indulged in by a P.A. of the said office in SB Accounts. The charge against him was that he had failed to maintain absolute integrity and devotion to duty, and had violated Rule 3(1)(i) and (ii) of CCS Conduct Rules, 1964. The disciplinary proceedings were finalised on 9-11-1993 with the imposition of penalty of recovery of Rs. 6,396/- from his pay on the grounds of contributory negligence resulting in loss to the department. The applicant preferred an appeal on 19-11-1993 to the Director of Postal Services, Hyderabad City Region, against the penalty which was rejected by the said Director on 11-1-94. Hence this OA.

The case was admitted on 3-2-1994 and interim orders were passed staying the recovery imposed by the order of the disciplinary authority.

2. The applicant makes the following points :

(i) The factors which facilitated the commital of frauds were serious lapses like permitting the main offender to overstay her tenure in the SB Branch as well as in the office, failure to detect the fraud in course of the scheduled periodical inspections of the office which were carried out perfunctorily.

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..2.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.82/94; OA.83/94; OA.103/94; OA.112/94; and OA.113/94

Dated : 23-9-97

Between

G. Balaram (OA.82/94)
y. Komaraiah (OA.83/94)
N. Ramachandra Rao (OA.103/94)
M. Ramalinga Reddy (OA.112/94)

and

1. The Director of Postal Services
Hyderabad City Region
Hyderabad

2. Sr. Supdt. of Post Offices
Hyderabad South-East Division
Hyderabad



: Respondents { common
in all
the OA's

Counsel for the applicants

: Sanka Ramakrishna Rao
Advocate (for all the
applicants)

Counsel for the respondents

: N.R. Devaraj
Sr. CGSC (for all the
cases)

CORAM

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

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4. Drawing support from the above cases/rule the applicant submits that he was not guilty of, nor charged with, attempting personal gain by malpractice; no ill-motive was ever attributed to him; he was not shown the attendance register for the relevant dates; the punishment that was imposed on him ^{apparently} was for withdrawal of Rs.1,000/- which amount was duly accounted for as Rs.2,000/- but which was not an issue or charge at all in the charge-sheet; and, that the charge-sheet did not contain any indication of the exact loss incurred, the modus operandi adopted or precisely how the committal of fraud came about.

5. Based on the above pleadings the applicant prays for setting aside the punishment imposed on him by the Second Respondent and confirmed by the First Respondent.

6. The respondents in their counter affidavit submit that departmental investigation into the case proved conclusively that lack of supervision was the main reason which enabled the main offender to commit the frauds, and that the applicant had dismally failed to check deposits and withdrawals before permitting any payments at the counter. They assert that the main offender was not allowed to overstay her tenure but was posted out within a month of the completion of her tenure in the office. It is also revealed that all possible and reasonable efforts were made to recover the amounts of loss by attaching the properties of main offender and her husband, through the concerned revenue authorities, by filing civil suits for the purpose. They maintain that the disciplinary authority had discussed in full all the points raised by the applicant in his defence. The respondents draw attention to Government of India decision No.23 below Rule 11 of CCS (CCA)Rules which

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(ii) No serious efforts were made by the respondents to recover the amounts of loss from one who actually committed those frauds, but that the authorities were only trying to recoup the loss through recovery from unconnected officials, -like for example, himself, - who were in no responsible for ^{the} fraud;

(iii) The frauds were committed independently by the said PA on her own, without aid, abetment or negligence on the part of the applicant.

3. The following decisions/rules are relied upon by the applicant :

(a) 1989(9)ATC 509, Ahmedabad Bench : In the absence of allegations of personal gain or corrupt practices, mere inaction or failure to discharge statutory powers cannot invite disciplinary jurisdiction even where such failure results in losses to the department;

(b) AIR 1979 SC 1022 : A person is guilty of misconduct only if his actions arise out of ill-motives;

(c) 1989(9)ATC 364 Ahmedabad Bench : Even in minor penalty proceedings access to records, on which a charge is based, is to be afforded to the charged official;

(d) 1990(5) SLJ CAT 91, Patna Bench : The disciplinary proceedings cannot draw upon the material collected during preliminary enquiries.

(e) 1986(2)SLJ CAT 37, Calcutta Bench : When a punishment is awarded taking into account matters on which an official was not called upon to explain, it violates the principles of Natural Justice;

(f) The charges framed against him are vague and imprecise and are thus in violation of Rule 106 and 107 of P&T Manual Vol.III.

Post office on certain days in September/October, 1990, even though she was no longer posted in that office having earlier been transferred to station Kacheguda H.O. She is said to have been coming to Amberpet Post Office while on leave from Kacheguda H.O. and was allowed to function unauthorisedly at the Savings Bank counter at the former office. On four occasions in September, 1990, she was alleged even to have been working in Station Kacheguda HPO and also at Amberpet Sub Office for a part of the day on the same dates. During this entire period the said Raja Rajeswari committed a series of frauds in the Savings Bank, a process in which applicant Komaraiah was alleged to have abetted/collaborated by his negligent performance of mandatory checks, thus contravening certain provisions of P&T Manual Vol.VI Part-I as also of CCS Conduct Rules, 1964.

2. The applicant denies that he had worked as Savings Bank PA at Amberpet Post Office, and that he had no authority to allow any one to work on any of the seats in the post office. The other arguments of the applicant are along similar lines of the ones raised by Mr. G. Balaram in OA. 82/94. A penalty of recovery of Rs. 4,956/- was imposed on 29-10-1993, whereupon he preferred an appeal to the Director of Postal Service which was turned down by the said Director in January 1994. Hence this OA.

3. As mentioned earlier, the arguments of the applicant are similar to those adopted by Mr. G. Balaram in OA.82/94. The response of the authorities is also on the same lines as in OA.82/94.

OA.103/94

The applicant in this OA was working as PA at Amberpet Post Office between March, 1986, and February, 1991. He was also officiating as SPM on certain dates in 1989. By his

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is as under :

"In the case of proceedings relating to recovery of pecuniary losses caused to the Government by negligence or breach of order by a Government servant, the penalty of recovery can be imposed only when it is established that the Government servant was responsible for a particular act or acts of negligence or breach of orders or rules and that such negligence or breach caused the loss."

7. As regards the non-supply of Attendance Register for the relevant dates it is mentioned that the same could not be produced since the Register, along with other documents, was deposited in the High Court in a case of appeal filed by the main offender. However, several other documents like the list of Transactions, Long books, Pass Books, Pay-in-slips and Withdrawal forms containing the signature of the applicant on relevant dates were shown to him and that the applicant had duly admitted his signature on them. They wonder as to how the applicant could sign as sub-postmaster on all these documents if he was not really functioning in the said capacity on the relevant dates. Finally, the Respondents submit that the main offender was certainly not acting independently on her own. All essential documents relating to each transaction were duly put up to the applicant who was acting as SPM and it was he who cleared and allowed the withdrawals without applying even basic or routine prescribed checks.

OA.83/94

The applicant, Mr. Y. Komaraiah, while working as Postal Assistant, Amberpet Sub-post Office, was charged under Rule 16 of the CCS(CCA) Rules on 15-6-1993. The imputation of misconduct against the applicant were as under:

- 1) He allowed one Y. Raja Rajeswari, Postal Assistant, to work unauthorisedly at the Savings Bank Counter at Amberpet

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OA.113/94

The applicant, Mohd. Hafeez, Savings Bank Ledger Clerk, Station Kacheguda HPO, was charged under Rule 16 of the CCS(CCA)Rules, 1965, for his failure to carry out checks prescribed in Post Office Savings Bank Manual Vol.I. A penalty of recovery of Rs.14,508/- was imposed on him in October, 1993 by respondent No.2, whereupon he submitted an appeal to the Director of Postal Service. The appeal was turned down by the Director and the penalty was confirmed. Here too, the submission of the applicant and the responses of the Departmental respondents are similar to those found in other OAs mentioned above.

2. The following are the common points raised by all the applicants :

- i) the main offender was retained beyond her tenure in the office where she committed frauds;
- ii) the basis for arriving at the quantum on recovery and the extent of their contributory negligence, if any, was not quantified on a proper basis;
- iii) none of them stood to gain by the frauds committed by the main offender and none was charged with indulging in personal corrupt practices. Mere inaction cannot be invoked and made subject or cause for initiating disciplinary proceedings and imposing the penalty of recoveries;

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acts of negligence and supervisory lapses he was alleged to have facilitated the committal of frauds by the same Raja Rajeswari who figures as prime offender in other OAs. A penalty of recovery of Rs.18,216/- was imposed by the second respondent on 26-10-1993, whereupon the applicant preferred an appeal to the Director of Postal Service on 15-11-1993. The appeal was turned down by the said Director on 12-1-1994, and the punishment was confirmed. The submissions of the applicant and the reply of the respondents are similar to those in OA.82 and 83 of 1994.

OA.112/94

The applicant, M. Ramalinga Reddy, was proceeded against under Rule 16 of the CCS(CCA) Rules, 1965, for his alleged failure to carry out certain checks, in his capacity of Assistant Postmaster, Station Kacheguda HPO, prescribed in Savings Bank Manual, and a penalty of recovery of Rs.21,096/- was imposed by the second respondent in October, 1993. On appeal, the punishment was confirmed by the Director of Postal Services on 17-1-1994. In this OA also the arguments of the applicant and the reply of the respondents follow a familiar pattern as in the earlier OAs.

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4. Examined all facts and pleadings. The rules and procedures concerning the functioning of savings bank branches are foolproof and the system of accounting and compilation and maintenance of various documents and registers is quite elaborate and effective as long as various checks prescribed to be carried by different functionaries at clerical and supervisory levels are duly carried out. There is little scope, if at all, for any large scale fraud to be committed by anyone. The main lapses noticed in all these cases are :

- (i) allowing an unauthorised person to discharge functions connected with SB counter transactions in an office with which she was no longer connected;
- (ii) failure to carry out essential checks before authorising payment.

Such being the case, it is difficult to see how the applicants can possibly claim exonerations of their own failures and lapses in the discharge of their routine duties. The contention that no misconduct can be alleged in the absence of proof of a person's ill-motive cannot be invoked in cases where an official, in the normal discharge of his duties, is expected to act as a custodian of public money by carrying out certain basic prescribed checks. Similarly the plea that mere inaction on the part of an official cannot invite disciplinary action is too general a statement to be accepted in all circumstances without regard to the facts and circumstances of each case. This argument which could indeed be true in certain cases cannot be valid in situations where the fundamental task of an official to discharge his mandatory duties, or to carry out the prescribed checks, is neglected through sheer carelessness.

- iv) they are not guilty of any misconduct because none of their actions resulted from any ill-motives;
- v) the material gathered during preliminary enquiry was used against them in the disciplinary proceedings;
- vi) there is no nexus between the precise share of their respective individual responsibilities for the loss and the amounts ordered to be recovered from their pay;
- vii) the charge sheet against them was vague; and
- viii) the disciplinary as well as the appellate authority did not meet the points that were raised in their explanation/appeal.

3. The respondents advance the following common arguments to the various points raised by the applicants:

- a) the main offender was transferred out of Ambedkar Post Office soon after - within a month - of the completion of her tenure and was not allowed to overstayed;
- b) sincere efforts were made to effect the recovery of loss caused to the Government by having the property of main offender and her husband attached, besides initiating civil suit for the remaining unrecouped amount to the maximum extent;
- c) failure to follow the mandatory manual rules and conduct rules does indeed amount to misconduct and ipso facto, the punishment awarded was in consonance with Government of India decision referred to in para (6) above;
- d) even though the attendance register was not produced in respect of some of the applicants, enough corroborative evidence by way of positive proof was shown through valid and connected documents to the applicants;
- e) the charge-sheet was precise and the annual inspections of the office were done as per rules with care and thoroughness.

J. P. 4

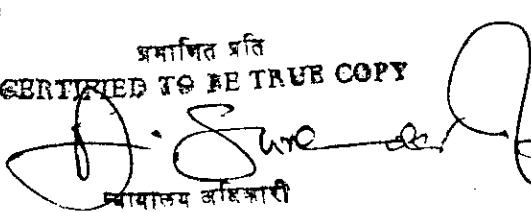
...9.

5. I have seen the disciplinary proceedings as well as the appellate orders in all these cases. It is felt that, notwithstanding certain unusual observations in them, the overall tenor of these orders is not objectionable in any way. The appellate proceedings are fairly elaborate and the orders passed quite more than speaking orders.

6. The applicants have a further avenue of submitting a petition to a higher appellate/revisional authority in all such cases. They are seen to have not exhausted this avenue which is still available to them. Giving liberty to them to submit a petition to the concerned higher authority, the cases are disposed of with a direction that such petitions, if submitted within the next 45 days, shall not be rejected merely on the ground of time-bar or limitation but shall be dealt with on merits. The penalty imposed on each of the applicants, and confirmed by the appellate authority, shall remain suspended until their petitions are finally disposed of by the concerned higher authority.

7. Thus the OAs are disposed of by common judgment.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY


D. S. Venkateswara Rao
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकारा
Central Administrative Tribunal
हैदराबाद न्यायालय
HYDERABAD BENCH

24/9/02

Dt. 23-9-97

Judgement

Order (per Hon. Mr. H. Rajendra Prasad, Member (Admn)

OA.82/94

The applicant, while he was posted as PA/SPM of Amberpet Sub Post Office, was charged under Rule 16 of CCS (CCA) Rules, 1965, for his failure to detect or prevent certain fictitious transactions indulged in by a P.A. of the said office in SB Accounts. The charge against him was that he had failed to maintain absolute integrity and devotion to duty, and had violated Rule 3(1)(i) and (ii) of CCS Conduct Rules, 1964. The disciplinary proceedings were finalised on 9-11-1993 with the imposition of penalty of recovery of Rs. 6,396/- from his pay on the grounds of contributory negligence resulting in loss to the department. The applicant preferred an appeal on 19-11-1993 to the Director of Postal Services, Hyderabad City Region, against the penalty which was rejected by the said Director on 11-1-94. Hence this OA.

The case was admitted on 3-2-1994 and interim orders were passed staying the recovery imposed by the order of the disciplinary authority.

2. The applicant makes the following points :

(i) The factors which facilitated the ^{Administrative} committal of frauds were serious lapses like permitting the main offender to overstay her tenure in the SB Branch as well as in the office, failure to detect the fraud in course of the scheduled periodical inspections of the office which were carried out perfunctorily.

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..2.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.82/94; OA.83/94; OA.103/94; OA.112/94; and OA.113/94

Dated : 23-9-97

Between

G. Balaram (OA.82/94)
y. Komaraiah (OA.83/94)
N. Ramachandra Rao (OA.103/94)
M. Ramalinga Reddy (OA.112/94)
Mohd. Hafeez (OA.113/94)



and

1. The Director of Postal Services
Hyderabad City Region
Hyderabad

2. Sr. Supdt. of Post Offices
Hyderabad South-East Division
Hyderabad

: Respondents { common
in all
the OAs

Counsel for the applicants

: Sanka Ramakrishna Rao
Advocate (for all the
applicants)

Counsel for the respondents

: N.R. Devaraj
Sr. CGSC (for all the
cases)

CORAM

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

23/9/97

4. Drawing support from the above cases/rule the applicant submits that he was not guilty of, nor charged with, attempting personal gain by malpractice; no ill-motive was ever attributed to him; he was not shown the attendance register for the relevant dates; the punishment ^{apparently} that was imposed on him was for withdrawal of Rs.1,000/- which amount was duly accounted for as Rs.2,000/- but which was not an issue or charge at all in the charge-sheet; and, that the charge-sheet did not contain any indication of the exact loss incurred, the modus operandi adopted or precisely how the committal of fraud came about.

5. Based on the above pleadings the applicant prays for setting aside the punishment imposed on him by the Second Respondent and confirmed by the First Respondent.

6. The respondents in their counter affidavit submit that departmental investigation into the case proved conclusively that lack of supervision was the main reason which enabled the main offender to commit the frauds, and that the applicant had dismally failed to check deposits and withdrawals before permitting any payments at the counter. They assert that the main offender was not allowed to overstay her tenure but was posted out within a month of the completion of her tenure in the office. It is also revealed that all possible and reasonable efforts were made to recover the amounts of loss by attaching the properties of main offender and her husband, through the concerned revenue authorities, by filing civil suits for the purpose. They maintain that the disciplinary authority had discussed in full all the points raised by the applicant in his defence. The respondents draw attention to Government of India decision No.23 below Rule 11 of CCS (CCA) Rules which

6/14

(ii) No serious efforts were made by the respondents to recover the amounts of loss from one who actually committed those frauds, but that the authorities were only trying to recoup the loss through recovery from unconnected officials, - like for example, himself, - who were in no responsible for ^{the} fraud ;

iii) The frauds were committed independently by the said PA on her own, without aid, abetment or negligence on the part of the applicant.

3. The following decisions/rules are relied upon by the applicant :

(a) 1989(9)ATC 509, Ahmedabad Bench : In the absence of allegations of personal gain or corrupt practices, mere inaction or failure to discharge statutory powers cannot invite disciplinary jurisdiction even where such failure results in losses to the department;

(b) AIR 1979 SC 1022 : A person is guilty of misconduct only if his actions arise out of ill-motives;

(c) 1989(9)ATC 364 Ahmedabad Bench :

Even in minor penalty proceedings access to records, on which a charge is based, is to be afforded to the charged official;

(d) 1990(5) SLJ CAT 91, Patna Bench :

The disciplinary proceedings cannot draw upon the material collected during preliminary enquiries.

(e) 1986(2)SLJ CAT 37, Calcutta Bench :

When a punishment is awarded taking into account matters on which an official was not called upon to explain, it violates the principles of Natural Justice;

(f) The charges framed against him are vague and imprecise and are thus in violation of Rule 106 and 107 of P&T Manual Vol.III.

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Post office on certain days in September/October, 1990, even though she was no longer posted in that office having earlier been transferred to station Kacheguda H.O. She is said to have been coming to Amberpet Post Office while on leave from Kacheguda H.O. and was allowed to function unauthorisedly at the Savings Bank counter at the former office. On four occasions in September, 1990, she was alleged even to have been working in Station Kacheguda HPO and also at Amberpet Sub Office for a part of the day on the same dates. During this entire period the said Raja Rajeswari committed a series of frauds in the Savings Bank, a process in which applicant Komaraiah was alleged to have abetted/collaborated by his negligent performance of mandatory checks, thus contravening certain provisions of P&T Manual Vol.VI Part-I as also of CCS Conduct Rules, 1964.

2. The applicant denies that he had worked as Savings Bank PA at Amberpet Post Office, and that he had no authority to allow any one to work on any of the seats in the post office. The other arguments of the applicant are along similar lines of the ones raised by Mr. G. Balaram in OA. 82/94. A penalty of recovery of Rs.4,956/- was imposed on 29-10-1993, whereupon he preferred an appeal to the Director of Postal Service which was turned down by the said Director in January 1994. Hence this OA.

3. As mentioned earlier, the arguments of the applicant are similar to those adopted by Mr. G. Balaram in OA.82/94. The response of the authorities is also on the same lines as in OA.82/94.

OA.103/94

The applicant in this OA was working as PA at Amberpet Post Office between March, 1986, and February, 1991. He was also officiating as SPM on certain dates in 1989. By his

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is as under :

"In the case of proceedings relating to recovery of pecuniary losses caused to the Government by negligence or breach of order by a Government servant, the penalty of recovery can be imposed only when it is established that the Government servant was responsible for a particular act or acts of negligence or breach of orders or rules and that such negligence or breach caused the loss."

7. As regards the non-supply of Attendance Register for the relevant dates it is mentioned that the same could not be produced since the Register, along with other documents, was deposited in the High Court in a case of appeal filed by the main offender. However, several other documents like the list of Transactions, Long books, Pass Books, Pay-in-slips and Withdrawal forms containing the signature of the applicant on relevant dates were shown to him and that the applicant had duly admitted his signature on them. They wonder as to how the applicant could sign as sub-postmaster on all these documents if he was not really functioning in the said capacity on the relevant dates. Finally, the Respondents submit that the main offender was certainly not acting independently on her own. All essential documents relating to each transaction were duly put up to the applicant who was acting as SPM and it was he who cleared and allowed the withdrawals without applying even basic or routine prescribed checks.

OA.83/94

The applicant, Mr. Y. Komaraiah, while working as Postal Assistant, Amberpet Sub-post Office, was charged under Rule 16 of the CCS(CCA) Rules on 15-6-1993. The imputation of misconduct against the applicant were as under:

- i) He allowed one Y. Raja Rajeswari, Postal Assistant, to work unauthorisedly at the Savings Bank Counter at Amberpet

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OA.113/94

The applicant, Mohd. Hafeez, Savings Bank Ledger Clerk, Station Kacheguda HPO, was charged under Rule 16 of the CCS(CCA)Rules, 1965, for his failure to carry out checks prescribed in Post Office Savings Bank Manual Vol.I. A penalty of recovery of Rs.14,508/- was imposed on him in October, 1993 by respondent No.2, whereupon he submitted an appeal to the Director of Postal Service. The appeal was turned down by the Director and the penalty was confirmed. Here too, the submission of the applicant and the responses of the Departmental respondents are similar to those found in other OAs mentioned above.

2. The following are the common points raised by all the applicants :

- i) the main offender was retained beyond her tenure in the office where she committed frauds;
- ii) the basis for arriving at the quantum on recovery and the extent of their contributory negligence, if any, was not quantified on a proper basis;
- iii) none of them stood to gain by the frauds committed by the main offender and none was charged with indulging in personal corrupt practices. Mere inaction cannot be invoked and made subject or cause for initiating disciplinary proceedings and imposing the penalty of recoveries;

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acts of negligence and supervisory lapses he was alleged to have facilitated the committal of frauds by the same Raja Rajeswari who figures as prime offender in other OAs. A penalty of recovery of Rs.18,216/- was imposed by the second respondent on 26-10-1993, whereupon the applicant preferred an appeal to the Director of Postal Service on 15-11-1993. The appeal was turned down by the said Director on 12-1-1994, and the punishment was confirmed. The submissions of the applicant and the reply of the respondents are similar to those in OA.82 and 83 of 1994.

OA.112/94

The applicant, M. Ramalinga Reddy, was proceeded against under Rule 16 of the CCS(CCA) Rules, 1965, for his alleged failure to carry out certain checks, in his capacity of Assistant Postmaster, Station Kacheguda HPO, prescribed in Savings Bank Manual, and a penalty of recovery of Rs.21,096/- was imposed by the second respondent in October, 1993. On appeal, the punishment was confirmed by the Director of Postal Services on 17-1-1994. In this OA also the arguments of the applicant and the reply of the respondents follow a familiar pattern as in the earlier OAs.

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4. Examined all facts and pleadings. The rules and procedures concerning the functioning of savings bank branches are foolproof and the system of accounting and compilation and maintenance of various documents and registers is quite elaborate and effective as long as various checks prescribed to be carried by different functionaries at clerical and supervisory levels are duly carried out. There is little scope, if at all, for any large scale fraud to be committed by anyone. The main lapses noticed in all these cases are :

- (i) allowing an unauthorised person to discharge functions connected with SB counter transactions in an office with which she was no longer connected;
- (ii) failure to carry out essential checks before authorising payment.

Such being the case, it is difficult to see how the applicants can possibly claim exoneration of their own failures and lapses in the discharge of their routine duties. The contention that no misconduct can be alleged in the absence of proof of a person's ill-motive cannot be invoked in cases where an official, in the normal discharge of his duties, is expected to act as a custodian of public money by carrying out certain basic prescribed checks. Similarly the plea that mere inaction on the part of an official cannot invite disciplinary action is too general a statement to be accepted in all circumstances without regard to the facts and circumstances of each case. This argument which could indeed be true in certain cases cannot be valid in situations where the fundamental task of an official to discharge his mandatory duties, or to carry out the prescribed checks, is neglected through sheer carelessness.

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- iv) they are not guilty of any misconduct because none of their actions resulted from any ill-motive;
- v) the material gathered during preliminary enquiry was used against them in the disciplinary proceedings;
- vi) there is no nexus between the precise share of their respective individual responsibilities for the loss and the amounts ordered to be recovered from their pay;
- vii) the charge sheet against them was vague; and
- viii) the disciplinary as well as the appellate authority did not meet the points that were raised in their explanation/appeal.

3. The respondents advance the following common arguments to the various points raised by the applicants:

- a) the main offender was transferred out of Amberpet Post Office soon after - within a month - of the completion of her tenure and was not allowed to overstay;
- b) sincere efforts were made to effect the recovery of loss caused to the Government by having the property of main offender and her husband attached, besides initiating civil suit for the remaining unrecouped amount to the maximum extent;
- c) failure to follow the mandatory manual rules and conduct rules does indeed amount to misconduct and ipso facto, the punishment awarded was in consonance with Government of India decision referred to in para (6) above;
- d) even though the attendance register was not produced in respect of some of the applicants, enough corroborative evidence by way of positive proof was shown through valid and connected documents to the applicants;
- e) the charge-sheet was precise and the annual inspections of the office were done as per rules with care and thoroughness.

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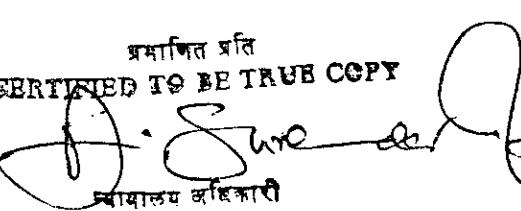
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5. I have seen the disciplinary proceedings as well as the appellate orders in all these cases. It is felt that, notwithstanding certain unusual observations in them, the overall tenor of these orders is not objectionable in any way. The appellate proceedings are fairly elaborate and the orders passed quite more than speaking orders.

6. The applicants have a further avenue of submitting a petition to a higher appellate/revisional authority in all such cases. They are seen to have not exhausted this avenue which is still available to them. Giving liberty to them to submit a petition to the concerned higher authority, the cases are disposed of with a direction that such petitions, if submitted within the next 45 days, shall not be rejected merely on the ground of time-bar or limitation but shall be dealt with on merits. The penalty imposed on each of the applicants, and confirmed by the appellate authority, shall remain suspended until their petitions are finally disposed of by the concerned higher authority.

7. Thus the OAs are disposed of by common judgment.

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D. Surendra Singh
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal
हैदराबाद न्यायालय
HYDERABAD BENCH

24/9/02

IN THE COURT OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL
AT HYDERABAD

O.A. No.

of 1994

Between :

M. Ravialinga Reddy

Plaintiff

Petitioner

Appellant

Complainant

And

Director of Posts Services

Defendant

Respondent

Hyderabad City Region

Accused

HYDERABAD

Accepted

VAKALAT

R. J. Rao

Adv.

ACCEPTED

Advocate for :

APPLICANT

Filed

1-2-1994

Address for Service

SANKA RAMAKRISHNA RAO

B.A. LL.B., P.G. O.C. R.S.

ADVOCATE

1-10-29, ASHOKNAGAR, HYDERABAD-20.

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IN THE COURT OF THE CENTRAL ADMINISTRATIVE
TRIBUNAL HYDERABAD BENCH

AT HYDERABAD

O.A No. 112 of 1994

BETWEEN :-

M. Ramalinga Reddy, Postal Assistant

PLAINTIFF
PETITIONER

APPELLANT
COMPLAINANT

AND

Director of postal services, Hyderabad City Region.
HYDERABAD

DEFENDANT
RESPONDENT
ACCUSED

I/We M. Ramalinga Reddy

do hereby appoint and retain

SANKA RAMAKRISHNA RAO
B.A.LL.B., P.G.D.C.R.S.,
ADVOCATE



Advocate/s to appear for me/us in the above suit/case and to conduct and Prosecute (or defend) the same and all Proceedings that may be taken in respect of any application for execution of any decree or order Passed therein, I/we empower my/our, Advocates to appear in all miscellaneous proceedings in the above suit or matter till all decrees or orders are fully satisfied or adjudged to compromise and to obtain the return of documents and draw any moneys that might be payable to me/us in the said suit or of matter (and I/we do further empower my/our Advocates to accept on my/our behalf, service of notice of all or any appeals or petitions filed in any court of Appeal, reference of Revision with regard to said suit or matter before disposal of the in this Honourable Court.)

Certified that the executant who is well acquainted with English Read this Vakalatnama the contents of the Vakalatnama were read out and explained in Telugu/Urdu to executant or he/she/ they being unacquainted with English/who appeared Perfectly to understand the same and signed or put his/her/their signature/s or/and marks and in my Presence.

Executed

1 day of FEB 1994

Advocate, Hyderabad

consequential benefits such as permission to write Junior Accounts Officers (Part-II) Examinations with relaxed standards and promotion to the posts of Junior Accounts Officers not to fill in the 29th to 31st October, 1999 in the interest of justice pending disposal of the above OA and pass any other order or orders as is deemed fit, proper and necessary in the circumstances of the case and interest of justice

9. INTERIM RELIEF

It is further prayed that this Hon'ble Tribunal may be pleased to direct the Respondents not to fill in the 29th to 31st October, 1999 in the interest of justice pending disposal of the above OA and pass any other order or orders as is deemed fit, proper and necessary in the circumstances of the case and interest of justice.

10. POSTAL ORDERS ETC.

An Indian Postal Order No. _____ dated _____ for Rs.50/- (Rupees Fifty Only) drawn in favour of Registrar, Central Administrative Tribunal, Hyderabad Bench, Hyderabad is enclosed herewith.

11. DETAILS OF INDEX

An index showing the details of the Material Papers to be relief in the case is enclosed herewith.

12. ENCLOSURES

- (i) Vakalathnama
- (ii) Postal Order for Rs.50/-
- (iii) Chronology of Events & material papers index.
- (iv) Material papers.

VERIFICATION

We, K Pandu Ra^{ng}ga Rao, S/o. Sri K Gurvaiah and B Balaji, S/o. Sri Lalu, the Applicants as per the Cause Title do hereby verify that the content as stated from paragraph Nos. 1 to 12 are true and correct to the best of our knowledge-belief and on information and herein verified on this the _____ day of December, 2003.

COUNSEL FOR APPLICANTS

APPLICANTS

K. Pandu Ra^{ng}ga Rao
B. Balaji