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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No.1178/94.

Date: 18--6--1997.

Between:

R.Baktavatsalam. Applicant.

And

1. The Chief Postmaster General,
Andhra Pradesh, Hyderabad.
2. The Post Master General, Andhra
Pradesh Southern Region, Kurnool.
3. The Superintendent of Post Offices,
Tirupati Division, Chittoor Dt.

Respondents.

Counsel for the applicant: Sri K.Anantha Rao.

Counsel for the respondents: Sri N.R.Devaraj, Standing counsel
for the respondents.

CORAM:

Hon'ble Shri R.Rangarajan, Member (A)

Hon'ble Shri B.S.Jai Parameshwar, Member (J).

JUDGMENT.

(per Hon'ble Shri R. Rangarajan, Member (A).)

None for the applicant. Sri N.R.Devaraj, the
learned standing counsel for the respondents.

The applicant while working as EDBPM, Damodar
Maharajapuram Village in Karvatnagaram Mandalam of Chittoor
District was issued with a Charge sheet under Rule 8 of the
P&T ED Agents (Conduct and Service) Rules, 1964. The

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Article of charge levelled against the Government servant reads as follows:

"Sri R.Bhakthavatsalam, EDBPM (Put off), DM. Puram BO a/w Karvetnagar S.D. While functioning as ED Branch Post Master, D.M.Puram BO during the period from 1-10-1990 to 2-11-1990 received the amounts noted at Column -4 below from the depositors shown in column -2 on the dates shown in column-5 for deposit into SB/RD accounts shown in Column -3; but did not account for the same in the BO accounts on the date of receipt itself, instead he accounted for the same on the dates shown in column -6, belatedly.

 Sl. No. Name of the Depositor Account No. Amount. Date of receipt. Date on which accounted for in the B.O. accounts.

 1. 2 3. 4. 5. 6.

 Sarva Sri:

1.	C. Mathaiah.	SB-2242301	555.00	8.10.90	30.10.90
2.	K.Thulasi	RD-14332.	30.00	11.10.90	19.10.90
3.	"	RD-14333	20.00	11.10.90	19.10.90
4.	"	RD-14404	20.00	11.10.90	19.10.90

 Thus he failed to follow the provisions of Rule 131(3) of Book of B.O. Rules and thereby failed to maintain absolute integrity as enjoined by Rule 17 of the P & T E.D.As(C & S)Rule, 1964."

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By ~~the~~ ^{the} Proceedings No. F-4/1/90 dated 30-4-1992 the 3rd respondent removed the applicant from service with immediate effect after due enquiry into the charge levelled against the applicant. Thereafter, the applicant filed an appeal to the 2nd Respondent which was disposed of by the impugned Order dated 25-11-1992 Annexure I to the O.A., confirming the punishment imposed on the applicant by the Disciplinary Authority.

This O.A., is filed for setting aside the impugned orders referred to above and for a consequential direction to the respondents to reinstate the applicant into service. The main charge is in regard to his non-accounting of the money received from the Depositors in the SB/RD account of the Post Office. The applicant submits that due to his disturbed mind, though he received the money had not accounted the same on the same day on which it was received but accounted it after a week ^{after} when he joined duty after leave.

The main contention of the applicant is that it is a very minor offence and for that he ^{could} cannot be removed from service. Further, he submits that it is a case of 'no evidence' and hence the punishment is unwarranted.

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From the grounds given in the O.A., we do not find any substantial reason for setting aside the impugned order of removal and the confirmation of that order by the Appellate Authority.

It has been stated in page 4 of the reply that the applicant had entered into the transaction in the Pass Book and ~~and~~ authenticated it with date stamp and his signature. It is also stated that the applicant had admitted that he kept the amount and paying slip relating to the transaction in his table drawer and forgot to include the same into the day's account. He states that he noticed the omission when the depositor approached for a withdrawal of Rs.1,250/-on 11-10-1990. It is also stated that the above fact has been admitted in the enquiry by the applicant.

The contention that this is ~~not~~ a case of 'no evidence' cannot be accepted in the face ~~value~~ as the records speak for themselves. It is a fact that the applicant had received the money and did not account for it on the same day. When such a record is available, we do not see any further evidence to prove this material fact of the case. Further, the applicant in his O.A. affidavit appears to have

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stated that the paying slip had not been given by the SB/RD Depositor along with the Pass Book. If the paying slip is not given by the depositor, the acceptance of the deposit is irregular. Hence, the applicant cannot now say that he accepted the deposit with the paying slip. It has also to be held that the applicant did receive the amount as well as the paying slip in connection with the deposit and probably did not account for in the ~~pass~~ Day Book for the reasons best known to him. From the above, we are convinced that the applicant had committed the financial/procedural irregularity. For that irregularity, he has been issued the charge-sheet and the Competent Authority after due process of enquiry had imposed the penalty of removal from service in accordance with the rules. Hence, we do not see any reason to interfere with the order when a Departmental Enquiry has been ~~committed~~ following ^{Conduct} the extant procedure and gave sufficient opportunity to the applicant to plead his case.

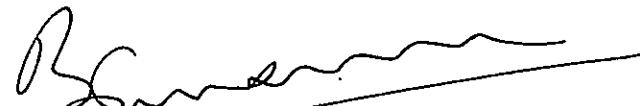
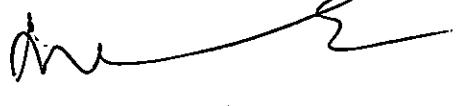
The next contention of the applicant is that the punishment is not commensurate with the gravity of the charges. We cannot express any opinion on this aspect of the case. It is for the Departmental

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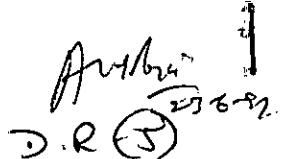
Authorities to hear his case and dispose it of, if any reduction in punishment is warranted. Hence, in regard to quantum of punishment also this Tribunal cannot interfere.

In view of what is stated above, we find no merit in this O.A. The O.A., is accordingly dismissed with no order as to costs.

 
B.S.JAI PARAMESHWAR

MEMBER (J)

R.RANGARAJAN,
MEMBER (A)


18/6/97

Dictated in open Court.

Date: 18--6--1997.

SSS.

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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

AND

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

DATED: 18/6/97

Notice/Proceedings

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

in
O.A. NO. 1178/94

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No order as to costs.

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II Court.

