

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
 AT HYDERABAD

O.A.No.1085/94.

Dt.of Decision : 19-08-97.

R. Poshetty

.. Applicant.

Vs

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

Counsel for the applicant : Mr.S.Rama Krishna Rao

Counsel for the respondents : Mr.K.Bhaskara Rao, Addl.CGSC.

CORAM:-

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

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

ORDER

ORAL ORDER (PER HON. SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

None for the applicant. The applicant was also absent when the application was taken up for hearing. None for the respondents. Since the OA is filed in the year 1994 we are not inclined to adjourn the same. Hence we propose to decide the OA on the basis of the material available on record. The respondents have also filed their counter.

2. During the period from 27-8-90 to 3-6-91 the applicant was working as Dy. Postmaster, Sub-Post Office, Adilabad. At the time one Mr.Y.Steven was also working as Sub-Postmaster, C.C.I. Sub-Post Office, Adilabad. At that time the said Sub-Post Master Mr.Y.Steven appeared to have mis-appropriated the funds. The

JR.

applicant was also regarded as a subsidiary offender in the misappropriation of funds. Hence he was issued with a charge sheet under rule 16 of the CCS (CCA) Rule, 1965. The applicant submitted his explanation dated 10-9-93 (Annexure-III). The disciplinary authority vide his proceedings No.F5-1/92-93 dated 4-4-94 (Annexure-IV) after verifying the records and considering the gravity of the offence imposed the penalty of recovery of Rs.18,216.00/- from his pay in 36 monthly instalments at the rate of Rs.506.00/- per month commencing from the month of February 1994.

3. Against the said order of punishment, the applicant submitted an appeal to the appellate authority. The appellate authority (Annexure-I) rejected the appeal and confirmed the punishment.

4. The applicant has filed this OA challenging the order dated 31-1-94 passed by the disciplinary authority and the order dt. 20-6-94 passed by the appellate authority.

5. A counter has been filed explaining the circumstances under which Mr.Y.Steeven committed the misappropriation of funds and complicity of the applicant in the said act of misappropriation. It is stated that the disciplinary authority considered the gravity of the charges and also determined the extent of amount to be recovered from the pay of the officials. It is submitted that both authorities have followed the principle of natural justice and that there are no grounds to interfere with the orders.

6. On going through the grounds made out by the applicant are similar to the ground in OA.917/93. The charge against the applicant was that non maintenance of the NC-12(a) register enabled Mr.Y.Steeven to misappropriate the funds. It is stated that the applicant failed to verify the register, serial number of certificates issued and total number of certificates issued

and total number of certificates issued and the balance and failed to maintain the register according to the day to day transaction. It is stated that the applicant thereby allowed Mr.Y.Steven, SPM,C.C.I. Adilabad to commit fraud and that had the applicant been vigilant the fraud committed by Mr.Y.Steven could have been averted.

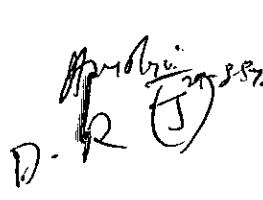
disciplinary authority. The disciplinary authority has taken into consideration the records and also the explanation offered by the applicant. The disciplinary authority has come to the conclusion on the basis of the records.

o It is not for this Tribunal to act as an appellate forum reappreciate and to come to a different conclusion. Even the appellate authority in its order has stated the reasons as to why it agreed with the conclusion of the disciplinary authority. Since the power of this Tribunal is very much limited in disciplinary cases and no irregularities have been noticed by us in the in pugned orders, we find no reasons to interfere with the same.

9. In similar cases decided earlier we have taken the same view and came to the conclusion not to interfere with the final orders passed in those cases whereby certain sums were recovered from the applicants in those OAs. As this OA is also similar in nature we see no reason to differ from the judgement in those OAs. Hence the OA is dismissed as lacking in merits. No order as to costs.


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


(R. RANGARAJAN)
MEMBER(ADMN.)


Dated : The 19th August, 1997.
(Dictated in the Open Court)

22/9/97
(1)

TYPED BY
CORR. RED. BY
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

CHECKED BY
APPROVED BY

THE HON'BLE SHRI R.R. AGARWAL : M. (S)

AND

THE HON'BLE SHRI B.S. JAI P.R. MEHTA :
(M) (S)

Dated: 19-2-97

ORDER/JUDGEMENT

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

in
C.A.NO. 1085/94

Admitted and Interim Directions
Issued.

Alleged

Disposed of with Directions

Dismissed ✓

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

