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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 1447/95

DATE OF ORDER : 22-04-1998.

Between :-

N.Surendranath Reddy

... Applicant

And

1. The Director, Postal Services,
O/o The Post Master General,
Kurnool & Region,
K U R N O O L.

2. The Superintendent of Post Offices,
Tirupathi Division, " "
Tirupathi.

... Respondents

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Counsel for the Applicant : Shri P.V.S.S.S.Rama Rao

Counsel for the Respondents : Shri N.V.Raghava Reddy, CGSC

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CORAM:

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

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

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

Jc

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... 2.

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

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Heard Sri Sastry for Sri P.V.S.S.S.Rama Rao, counsel for the applicant and Sri W.Satyanarayana, for Sri N.V.Raghava Reddy, learned standing counsel for the respondents.

2. The applicant while working as Branch Post Master, Thimmapuram was issued with a charge sheet dt.18-11-93 under rule-8 of the ED Staff Service & Conduct rules. There are 6 articles of charges, which reads as under :-

Article-I : Sri N.Surendranath Reddy, EDBPM, Thimmapuram BO a/w Mahal absented from duty from 10.00 am to 11.30 hours on 23-6-93 when the SDI (P), Vayalpad visited the BO for enquiry and contravened the provisions of Rule 5 of Book of Rules for B.Os. It is, therefore, alleged that Sri N.Surendranath Reddy failed to maintain devotion to duty as required by Rule 17 of EDA (C&S) Rules, 1964.

Article-II ; Sri N.Surendranath Reddy, EDBPM, Thimmapuram BO a/w Mahal held the cash and stamp balances in excess of BO a/cs by Rs.12-20 and Rs.9-95 on 15-2-92 and 19-3-93 respectively which were got credited under UCR by the SDI (P), Vayalpad Sub Dn. Thus Sri N.Surendranath Reddy failed to follow the instructions contained in Rule 177 (3) of Book of Rules for B.Os. It is, therefore, alleged that Sri N.Surendranath Reddy failed to maintain absolute integrity and devotion to duty as required by Rule 17 of EDA (Conduct & Service) Rules, 1964.

Article-III : Sri N.Surendranath Reddy, BPM, Thimmapuram BO a/w Mahal indented for cash Rs.500/- to Account Office on 6-8-93 towards SB Withdrawal in respect of SB A/c No.2851465 without SB withdrawal application from the depositor in contravention of Rule 131 (4) of Book of Rules for BOs. Further,

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Sri N.Surendranath Reddy filled in the SB withdrawal application in r/o the abovesaid withdrawal on 8-8-92 and written the certificates that "The depositor is known to me and his LTI is taken in my presence and that amount paid before me on both sides of the SB-7 Form in his own hand writing and obtained the signature of the witness in the SB withdrawal form in the absence of the depositor and not paid the amount in the presence of the witness in contravention of Rule 134 of Book of Rules for B.Os." It is, therefore, alleged that Sri N.Surendranath Reddy failed to maintain absolute integrity and devotion to duty as required by Rule 17 of EDA (C&S) Rules, 1964.

Article-IV : Sri N.Surendranath Reddy, BPM, Thimmapuram BO a/w Mahal retained the pass books of SB A/cs No.2850645, 2851257, 2851337, 2851377, 2851281, 2851449, 2851239, 2851341, 2851255, 2851427 and RD A/C No.15529, 15581, 15531, 15530 and 15642 and in his custody unauthorisedly in contravention of Rule 131(4) of Book of Rules for B.Os. It is, therefore, alleged that Sri N.Surendranath Reddy failed to maintain devotion to duty as required by

Article-V : Sri N.Surendranath Reddy, BPM, Thimmapuram BO a/w Mahal forwarded the pass books of SB A/c Nos. 2850704, 2851133, 2851239, 2851255, 2851257, 2851329, 2851339, 2851341, 2851343, 2851353, 2851377 and 2851441 A.O. on 29-4-93 only in one bulk, irrespective of last transactions in the said A/Cs duly invoiced in the daily account dt.29-4-93 for adding interest without issuing SB-28 receipt to the depositors of the above said accounts for having received the pass books from them. Thus Sri N.Surendranath Reddy failed to follow the provisions of Rule 141 of Book of Rules for B.Os. It is, therefore, alleged that Sri N.Surendranath Reddy failed to maintain devotion to duty as required by Rule-17 of EDAs (C&S) Rules, 1964.

Article-VI : Sri N.Surendranath Reddy, BPM, Thimmapuram BO a/w Mahal failed to forward the Pass Books of SB A/C Nos.2851291, 2851337 and 2851397 to H.O. for adding interest for the year 92-93 though the pass books in respect of the said S.B. a/cs were presented by the

depositors for the purpose of transaction on 20-4-93, 10-4-93 and 29-4-93 respectively after 1-4-93. Thus Sri N.Surendranath Reddy failed to follow the provisions of Rule 141 of Book of Rules for BOs. It is, therefore, alleged that Sri N.Surendranath Reddy failed to maintain devotion to duty as required by Rule 17 of EBA (C&S) Rules 1964.

An enquiry was conducted and the enquiry proceedings are enclosed as (Annexure-8, page 24 to the OA). The Enquiry Officer had held that Articles of charges 1, 2, 3 and 4 stands proved. Articles of charge 5 is proved to the extent that the pass books were collected for adding interest is ~~proved~~ with the admission of charged official in his defence statement dt.13-5-94. The enquiry proceedings had held that Article of charge No.6 is not conclusively proved. Based on that report, the Disciplinary Authority viz., the Respondent No.2 herein passed the orders of removal from service by his memo No. Inv/Misc.93 dt.14-12-94 (Annexure-1 page-7 to the OA). The disciplinary authority had ordered as follows :-

The Govt. servant in his representation dt.20-11-94 admitted the charges framed against him. He expressed his regret and begged for excuse. The lapses on the part of the Govt. Servant are of serious nature. The Govt. servant exhibited lack of integrity and devotion to duty. Moral turpitude is involved in the case. Fraudulent mentality of the Govt. servant cannot be ruled out. Public might have lost confidence in the B.P.M. by this incident and they may not come forward and utilise the services of the Department. Hence it is not desirable to continue him as Branch Postmaster.

3. Against this order of the Disciplinary Authority, the applicant submitted an appeal to Respondent No.1 which was disposed

of by memorandum No.ST/III/14-TPT dt.28-8-95 (Annexure -III)

.....5.

page-25 to the OA) confirming the punishment order by Respondent No.2. Against this order the applicant filed a revision petition to the Post Master General by his representation dt.20-1-95 (Annexure-II page-16 to the OA). That revision petition is disposed of by the Post Master General confirming the punishment.

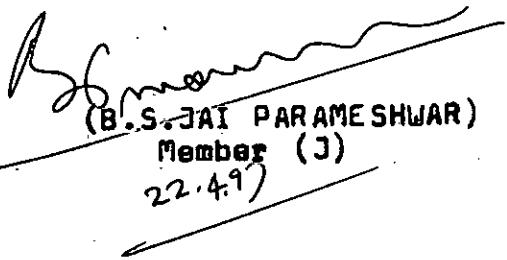
4. This O.A. is filed for setting aside the proceedings No.ST/III/14-TPT dt.28-8-95 passed by Respondent No.1 and memo No.Inv/Misc.93 dt.14-12-94 passed by Respondent No.2 and for a consequential direction to the respondents to reinstate the applicant as BPM, Thimmapuram Branch with all consequential benefits.

5. The applicant was issued with the charge sheet by the competent authority under Rule-8 of the ED Service & Conduct Rules. The charges mentioned in the proceedings are stated to be lack of integrity and devotion to duty involving moral turpitude. There is no infirmity in the process of enquiry and passing the final order by the Disciplinary and Appellate Authority has not been brought out ^{anything} except saying that the punishment imposed on the applicant is dis-proportionate to the gravity of charges. Hence it is/necessary for us to look into the various contentions raised ^{not} in setting aside the memo of punishment. However, the quantum of punishment awarded to the applicant is excessive may have to be seen by the Post Master General, Kurnool Region. A Court or a Tribunal cannot alter the punishment. It is only the respondent authorities can take a suitable decision on the basis of the reasoning given by the applicant. Hence we leave the matter to the Post Master General, Kurnool to see whether the punishment meted

out by the applicant is excessive or sufficient within a period of three months from the date of receipt of a copy of this order.

If the applicant desires to have a personnel hearing, the same may be granted to him in accordance with the law.

6. With the above direction, Q.A. is disposed of. No order as to costs.

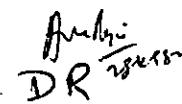

(B.S.JAI PARAMESHWAR)

Member (J)

22.4.97


(R.RANGARAJAN)

Member (A)


DR

Dated: 22nd April, 1998
Dictated in Open Court.

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04.1447/95

Copy to:-

1. The Director, Postal Services, O/o The Post Master General, Kurnool Region, Kurnool.
2. The Superintendent of Post Offices, Tirupathi Division, Tirupathi.
3. One copy to Mr. P.V.S.S.S. Rama Rao, Advocate, CAT., Hyd.
4. One copy to Mr. N.V. Raghava Reddy, Addl. CGSC., CAT., Hyd.
5. One copy to BSJP M(J), CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

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19/5/98
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II COURT

TYPED BY
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 22/4/98

ORDER/JUDGMENT

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

in

D.A.NO. 1447/95

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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