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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 469/96.

Dt. of Decision : 30-09-98.

B.Babu

Applicant.

Vs

1. The Union of India, rep. by its Secretary to Govt., Min. of Posts & Telecommunications, New Delhi.
2. The Superintendent of Post Offices, Proddatur Division, Proddatur-516 361.
3. The Post Master, Pulivendala-516 390.

Respondents.

Counsel for the applicant : Mr. N. Rama Mohana 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'BLE SHRI B. S. JAI PARAMESHWAR : MEMBER (JUDL.))

Heard Mr. Siva for Mr. N. Rama Mohana Rao, learned counsel for the applicant. None for the respondents to-day. On the last date of hearing the learned counsel for the respondents had submitted his argument.

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2. The applicant herein was working as Extra Departmental Mail Peon in Pulivendla Head Office. On 5-2-92 the applicant had carried the Postal Bag relating to the LCB of Tallapalle about 1-10 P.M. It is stated that the said bag contained cash of Rs.10,640/-. However on opening the bag a shortage of Rs.4,055/- was found. The applicant was held responsible for the said shortage. During the preliminary enquiry, the applicant remitted the amount even before the issue of the charge sheet against him for his ~~ba~~ pase.

3. He was issued with the Charge memo No.PF/B.Babu dated 28-05-92 under Rule-8 of P&T E.D.Aagents (C&S) Rules, 1964. The applicant submitted his explanation to the said charge memo. It is stated that the applicant denied the charges. The disciplinary authority by his proceedings dated 25-3-94 removed the applicant from service.

4. The applicant submitted an appeal dated 19-4-94 to the Superintendent of Post Offices, Proddatur. The appellate authority by his proceedings dated 28-9-94 rejected the appeal and confirmed the punishment.

5. The applicant has filed this OA to call for the records in connection with the order No.PF/EDMP/B.Babu/Pulivendala HQ, dated 25-4-94 passed by R-3 and the records connected with the order No.B3/B/PVL HQ, dated 28-9-94 passed by R-2 and quash or set aside the same as illegal, unsustainable and arbitrary and for a consequential direction to the respondents to reinstate the applicant into service with all attendant benefits.

6. The respondents have filed their counter explaining the circumstances under which the shortage of cash was found in LCB Bag of Tallapalle and also his earlier admission to the said shortage of cash. Further, they submit that the applicant himself deposited

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the cash on 10-2-92.

7. In view of the above circumstances, they submit that there are no reasons to interfere the impugned orders.

8. The learned counsel for the applicant during the course of his arguments submitted that he was persuaded to accept the responsibility and that the amount remitted on 10-2-92 was not actually paid by him. On 5-2-92 he was entrusted with a sealed bag and that there was no evidence that the applicant had tampered with the LCB bag during the transit. The learned counsel further submits that the applicant carried the bag as directed and he was not at all responsible for shortage. However shortage noticed ^{was} ~~and~~ remitted by one of his relative and that he denied the charges.

9. To-day he has submitted a copy of the explanation dated 25-2-94 submitted after conclusion of the enquiry.

10. The applicant denies his responsibility for the shortage of the cash. It is stated by the learned counsel for the applicant that the amount was remitted to the department by his relative.

11. Actually, there was no pecuniary loss caused to the department. Even accepting for the moment that he was, any way responsible ^{for} ~~of~~ the shortage of the cash in the LCB of Talapalle, we feel that the penalty of removal imposed by the respondent authority is somewhat harsh.

12. Considering the fact that the applicant was only an ED Mail Peon and also the fact that the department had not incurred any loss, we feel the authorities should have considered the case tainted with mercy.

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13. In this view of the matter we feel that the appellate authority's order requires reconsideration, particularly as regards the quantum of punishment. Hence, the earlier order passed by him is hereby suspended till such time, ^a fresh order is passed. The appellate authority shall reconsider the appeal taking into consideration the observations made above.

14. Time for compliance is three months from the date of receipt of a copy of this order.

15. The OA is ordered accordingly. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)
30.9.98


(R. RANGARAJAN)
MEMBER (ADMN.)


Dated : The 30th Sept. 1998.
(Dictated in the Open Court)

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OA.469/96

Copy to:-

1. The Secretary to Govt., Min. of Posts, & Telecommunications,
New Delhi.
2. The Superintendent of Post Offices, Preddatur Division.
3. The Post Master, Pulivendala. 510380
4. One copy to Mr. N.Rama Mohan Rao, Advocate, CAT., Hyd.
5. One copy to Mr. K.Bhaskara Rao, Addl.CGSC., CAT., Hyd.
6. One copy to BBSJP M(J), CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate copy.

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II COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED : 30/9/96

ORDER/JUDGMENT

M.A./Z.A./C.P.N.C.

in
O.A. NO.

469/96

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

