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CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH :
AT HYDERABAD.

O.A.No.74/96.

Date of Order:-19th June, '98

Between :

G. Nagamanirao ... APPLICANT

And

1. The Superintendent of Post Offices,
Kakinada Division, Kakinada-1.
2. The Post Master, General,
Visakhapatnam Region,
Visakhapatnam - 530 003. ... RESPONDENTS

Counsel for Applicant : Mr. B. Hanumantha Rao

Counsel for Respondents : Mr. N.V. Raghava Reddy
C.G.S.C.

CORAM :

Honourable Mr.R. Rangarajan, Member(Admn.)

Honourable Mr.B.S.Jai Parameshwar, Member(Judl.)

O R D E R.

(Per Hon. Mr. B.S.Jai Parameshwar, Member (J))

None appeared for the applicant. The applicant was also absent when the O.A. was taken up for hearing. Heard Mr. N.V.Raghava Reddy, the learned Additional Standing Counsel for the respondents. As we had no inclination to adjourn the proceedings, we heard the learned counsel for the respondents and dispose of the O.A. in accordance with Rule 15(1) of the Central Administrative Tribunal(Procedure) Rules, 1987.

2. This is an application under Section 19 of the Administrative Tribunals Act. The application was filed on 19.6.1996.

3. The facts giving raise to this O.A. may, in brief, be stated thus :

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(a) During the year 1991-92 the applicant was working as EDBPM, Laxminarasapuram B.O. account with Pithapuram in the East Godavari District. On 15.10.1991 the Inspector of Post Offices (PMI), office of the Postmaster General, paid a surprise visit to the Branch Office and conducted inspection of the office. During the course of his inspection... he noticed certain acts of omission and commission committed by the applicant in course of performance of duties as the EDBPM.

(b) The Superintendent of Post Offices, Kakinada Division, Kakinada, issued a Memorandum of Charges on the applicant vide his proceedings No.F3/4/91-92 dated 30.4.1992. The charges levelled against the applicant read as follows :

Article-I.

That the said Sri G.Nagamanirao, while functioning as BPM, Lakshminarasapuram BO a/w Pithapuram during the period from 28.6.74 to 21.10.91 is found detained 10 unregd. letters without effecting delivery which were received in the BO between 88.10.91 to 14.10.91 along with 2 reply portion of the cards during the visit of Shri G.Rama Murthy, IPO(PMI) on 15.10.91 and thus contravened the provisions of rules 66 to 71 of Book of B.O.Rules(7th edition and thereby failed to maintain devotion to duty as required in Rule 17 of P&T EDA(C&S) Rules,1964.

Article-II.

That during the aforesaid period and while functioning in the aforesaid office, the said Sri G.Nagamanirao failed to credit 2 deposits of Rs.450/- each tendered in one lumpsum on 21.3.89 and 4.4.89 by Smt.P. Ramalaxmi Devi into her S.B.a/c No.1276896 but credited in 15 instalments of Rs.50/- each and retained the Pass book with him without granting any SB 28 receipt and thus contravened the provisions of Rule 131 of Book of B.O. Rules and thereby failed to maintain absolute integrity as required in Rule 17 of P&T EDA(C&S) Rules,1964.

Article-III.

That during the aforesaid period and while functioning in the aforesaid office, the said Sri G.Nagamanirao failed to follow the provisions of Rule 136 of Book of B.O. Rules in respect of SBPB No.1278081 of Sri Pagadal

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Satyanarayana when the depositor wanted to close his account but paid an amount of Rs.20.50 against the account by himself and thus failed to maintain absolute integrity and devotion to duty as required in Rule 17 of EDA (C&S) Conduct Rules,1964.

Article-IV.

During the aforesaid period and while functioning in the aforesaid office, the said Sri G.Nagamanirao allowed two withdrawals of Rs.150/- on 30.7.90 and Rs.50/- on 24.11.90 from SB A/c no.1276913 of Sri R.V. Latcharao and 4 withdrawals of Rs.40/- on 25.1.90, Rs.290/- dt.28.3.90, Rs.150/- dt.28.7.90 and Rs.50/- dt.24.11.90 of A/c No.12766822 of LN Puram without following the procedure prescribed in Rule 134(iv) of Book of BO Rules and thus failed to maintain absolute integrity as required in Rule 17 of EDA(C&S)Rules,1964.

The Memorandum of Charges was issued to the applicant under Rule 8 of the EDA(C&S) Rules,1964.

(c) The applicant denied the charges. A detailed enquiry was conducted into the charges. The applicant participated in the enquiry. The Presenting Officer as well as the applicant submitted their written briefs. The Inquiry Officer after considering the material placed on record before him recorded his findings on the charges. He held the charges levelled against the applicant as proved. His report is dated 15.2.1993.

(d) The copy of the report of the Inquiry Officer was furnished to the applicant through the letter of even number dated 18.2.1993 (Annexure-5 at page 46 of the OA).

(e) The respondent No.1 after considering the report of the Inquiry Officer and the material available on record imposed the penalty of dismissal from service on the applicant by his proceedings of even number dated 8.7.1993. The copy of the order passed by the Superintendent of Post Offices is at pages 39 to 45 of the OA.

(f) Against the order dated 8.7.1993 the applicant preferred an appeal to the Director of Postal Services, office of the Postmaster General, Visakhapatnam. The

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appellate authority by his proceedings No.ST/13-105/GNR dated 17.2.1994 rejected the appeal and confirmed the order of punishment.

(g) The applicant submitted a petition dated 29.6.1994 to the Chairman, Postal Board, New Delhi. However, the Assistant Director informed the applicant through letter dated 26/29.8.1994 that no further petition lies to the Board.

4. The applicant has filed this O.A. challenging the orders of the Assistant Director dated 26/29.8.1994 and the orders passed by the disciplinary authority and the appellate authority in this O.A.

5. The main grounds raised by the applicant are that he was not conversant with the rules of procedure and also there was no mala fide intention on his part while detaining some of the unregistered letters to the addressees. The depositors of the S.B. and R.D. accounts themselves had requested him to deposit the amount in instalments; that he did so on the instructions of the Superintendent of Post Offices, Kakinada who had instructed him to increase the number of transactions in S.B. and R.D. accounts. He further submits that the Superintendent of Post Offices, Kakinada, had instructed him that in case the transactions in S.B. and R.D. accounts were to be far below, then there was a possibility of the Branch office being abolished. Therefore, under a bona fide intention, he split the amounts paid by the depositors and deposited into their accounts on subsequent dates, only to create an impression that there were transactions in the S.B. and R.D. accounts in the Branch Office. Thus he challenges the inspection made by the Inspector of Post Offices.

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6. After the inspection, the applicant appears to have given a statement before his official superiors about his guilt and dereliction of his duty on his part. It is for the first time in this O.A. the applicant has ^{that} stated the said statement was not made on his own ^{a,} volition but was made to give statement in such fashion by use of threat and coercion by his official superiors. Thus he prays for quashing the orders mentioned above and for a consequential direction to the respondents to reinstate him back to service with all consequential benefits.

7. The respondents have filed a detailed counter wherein they have stated that the inspection conducted by the Inspector of Post Offices and also the irregularities committed by the applicant in the performance of his duties. They dispute the various averments made by the applicant in the O.A. They submit ^{the} that the applicant had been working as EDBPM for the last 17 years and it is too strange for such a person to plead ignorance of the rules and the procedure in the Branch office. It is submitted that the applicant had deliberately committed certain financial and administrative irregularities and now in order to save his skin has putforward the plea that he was ignorant of the rules and that the same cannot be accepted. Further, they submit that sufficient and adequate opportunity was given to the applicant to prove his innocence during the enquiry. They dispute the version of the applicant that the official superiors of the applicant had extracted a statement from him admitting his guilt by using threat or coercion. It is in this background the respondents submit that there is absolutely no ground to interfere with the

orders passed by the authorities and the O.A. is liable to be dismissed.

8. On going through the averments made in the O.A. affidavit, it is clear that the applicant had by 15.10.1991 put in 17 years of service as EDBPM in the said Branch office. If that is so, then it is too much for us to accept his explanation that he was ignorant of certain rules. We cannot accept his explanation.

9. The applicant deliberately kept certain postal letters registered and unregistered without delivering the same to the addressees. The explanation offered by the applicant is not convincing. The Inquiry Officer has also formed an opinion that the Charge No. I is amply proved. When the Inspector of Post Offices during the course of his inspection noticed certain letters in the office kept undelivered, then it was for the applicant to explain the circumstances under which those letters were not delivered to the addressees. He has not offered any explanation.

10. One Smt. P. Ramalaxmi Devi was an account holder of S.B. Account No. 1276896. She tendered a sum of Rs. 450/- on two occasions i.e. on 21.3.1989 and 4.4.1989. The applicant without depositing into the account the said sum, split the same into 15 instalments and deposited on 15 subsequent dates. For this, the explanation offered by the applicant is that the Superintendent of Post Offices, Kakinada had instructed him to increase the number of transactions of S.B. and R.D. accounts. We cannot accept the explanation of the applicant. In our opinion, the applicant had misused the amount of the depositor and deliberately deposited the same in easy

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instalments. In fact, this fact was not known to the depositor. Further the fact that S.B.Pass Book was retained with the applicant clearly indicated that the depositor was not at all aware of the modus operandi of the applicant in depositing Rs.900/- into her account. Therefore, the explanation offered by the applicant cannot be accepted.

11. It is stated that in the similar manner, the applicant committed certain irregularities with respect to S.B. Account of Sri P.Satyanarayana A/c No.1278081. The said depositor wanted to close down his S.B. account. However, the applicant himself paid the amount from his pocket and continued the account which was against the rules. He had not obtained withdrawal form from the depositor. This is in contravention of the Rule 17 of the EDA(C&S) Rules,1964. The explanation offered by him is that the depositor wanted to leave the village urgently and that he could not wait for him to close down the account following the procedure and that therefore, he himself paid the amount from his pocket. This explanation cannot be accepted. It is submitted that the depositors were not examined during the enquiry. Non-examination of the depositors of the S.B.Accounts during the enquiry will not demolish the charges levelled against the accused.

12. Further the applicant committed irregularity in respect of S.B.A/c No.1276913 of Sri Y.V. Latcha Rao contravening Rule 134(iv) of the Branch Office Rules.

These are the irregularities noticed by the Inspector of Post Offices during the course of his inspection.

13. The Inquiry Officer after analysing the evidence placed on record formed an opinion that the applicant had

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deliberately misused the amounts of the depositors and his explanation that he did so without knowing the rules and procedure and with a view to obey the instructions given by the Superintendent of Post Officers, Kakinada to increase the number of transactions in S.B. and R.D.accounts is not at all acceptable.

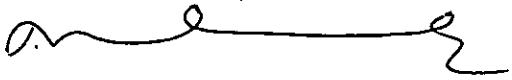
14. This is not the way of increasing the number of transactions in S.B. and R.D. accounts. If really the Superintendent of Post Offices, Kakinada had instructed him to increase the number of transactions, he could have persuaded the villagers to open accounts with the Branch office and thereby increased the number of transactions. Instructions were not meant to misuse the amounts of the depositors.

15. The disciplinary authority as well as the appellate authority have carefully considered the findings recorded by the Inquiry Officer. They have given cogent reasons to reach the conclusion that the dismissal of the applicant from service was justified in the circumstances of the case. Since the irregularities noticed included misuse of funds belonging to the depositors, we feel that the authorities took proper decision in dismissing the applicant from service. We find no reasons to interfere with the impugned orders.

16. In the result, the O.A. is liable to be dismissed and accordingly the same is dismissed. Parties are directed to bear their own costs.

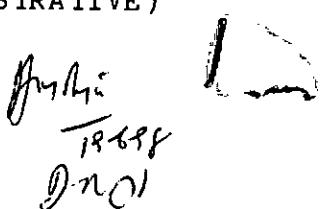

(B.S.JAI PARAMESHWAR)
MEMBER (JUDICIAL)

19.6.98


(R.RANGARAJAN)
MEMBER (ADMINISTRATIVE)

Dated the 19th June, 1998.

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Copy to:

1. The Supdt. of Post Offices, Kakinada Division, Kakinada.
2. The Postmaster General, Visakhapatnam Region, Visakhapatnam.
3. One copy to Mr. B. Hanumantha Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr. N. V. Raghava Reddy, Addl. CGSC, CAT, Hyderabad.
5. One copy to D.R(A), CAT, Hyderabad.
6. One copy to HBSJP(J), CAT, Hyderabad.
7. One duplicate copy.

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II COURT

TYPED BY
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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: 19/6/98

ORDER/JUDGMENT

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

in

D.A.NO. 74/96

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
श्रेष्ठ / DESPATCH

29 JUN 1998

हैदराबाद न्यायालय
HYDERABAD BENCH