

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

HYDERABAD

O.A.No.1147 OF 1999.DATE OF ORDER:6-8-1999.BE TWEEN:

K.B.Prasad.

...Applicant

and

1. Postmaster General,  
Hyderabad Region, Hyderabad.
2. Superintendent of Post Offices,  
Suryapet Division, Suryapet.
3. Sri K.Biksham,  
Asst.Superintendent of Post Offices,  
(HQ)/Inquiry Officer, Divisional Office,  
Suryapet.

...Respondents

COUNSEL FOR THE APPLICANT :: Mr.S.Ramakrishna Rao

COUNSEL FOR THE RESPONDENTS:: Mrs.P.Madhavi Devi

CORAM:

THE HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN

THE HON'BLE SRI R.RANGARAJAN , MEMBER(ADMN)

: O R D E R :

ORAL ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER(A) )

Heard Mr.S.Ramakrishna Rao, learned Counsel for the Applicant and Mrs.P.Madhava Devi, learned Standing Counsel for the Respondents.

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2. The applicant in this OA while working as ED BPM, Balajinagar Branch Post Office, was put off duty by Order bearing Memo.No.PF/Balajinagar, dated:9-3-1999, (Annexure.A-I, page.12 to the OA). A Charge Sheet was issued to the applicant bearing Memo.No.F.6-2/98-99, dated:15-6-1999, (Annexure.A-IV, page.16 to the OA). The said charge reads as follows:-

"ARTICLE-I:

That the said Sri.K.B.Prasad, while working as BPM, Balajinagar BO a/w Kodad SO during the period from 24-2-77 to 26-2-99 kept shortage of cash for Rs.1647.65 on 26-2-99 in his BO balances and thereby failed to follow the provisions of Rule 11 and items 5 & 6 under what a Branch Postmaster should do of rules for Branch Post Offices, 6th edition corrected upto 31-3-1982 and thereby failed to maintain absolute integrity and devotion to duty contravening Rule 17 of P & T ED Agents, Conduct and Service Rules,1964.

ARTICLE-II:

That the said Sri K.B.Prasad, during the above said period has received RD PB a/c No.33829 with passed warrant with cash for Rs.8334/- on 2-2-99 for closure. The account was standing in the name of Smt.Gousia Begum at Kodad SO itself. Instead of returning the pass book and cash to Kodad SO, he retained the cash and pass book with him till 26-2-99 by showing liability in his BO accounts. The account actually standing at Kodad SO itself and the depositor is also residing at Kodad town and thereby failed to follow the provisions of item 12 under what a branch postmaster should do of Rules for Branch Offices, 6th edition (second reprint) corrected upto 31-3-82 and thereby contravened the provisions of Rule 17 of P & T ED Agents Conduct and Service Rules, 1964."

3. An enquiry was ordered and in the enquiry the applicant submitted that the amount which is reported to have been not accounted for has been paid to one

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Smt. Sulochana Rani, RD Account Holder and it was not included in the records as there was no time to do that as the said Voucher SB-7 was missing. In the meantime, it is stated that the said Smt. Sulochana Rani was contacted and she stated that she had received the money and then she left the Post Office. A statement from her had also reported to have been obtained. Her RD Pass Book was also seized giving her a duplicate one for drawal of money if she requires. The Enquiry Officer refused to take note of that submission and proceeded with the enquiry on the ground that the said document is not included and not related to the charge sheet.

4. This DA is filed for setting aside the impugned Proceedings No. INQ-28/99-2000 under Daily Order Sheet No.2, dated: 22-7-1999, and for a consequential direction to take note of the submission of Smt. Sulochana Rani and pass orders on that basis.

5. The above request has to be made to the Disciplinary Authority viz., Respondent No.2 herein. He is competent to decide the documents to be taken note of and also other submissions to be made by the applicant. The applicant has not produced any letter in that connection addressed to R-2.

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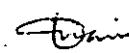


6. Hence, the applicant, if so advised, may submit a representation to Respondent No.2 for consideration. We have no doubt in our mind that if such a representation is received by Respondent No.2, the same will be considered by the Respondent No.2 in accordance with the law. The applicant should submit that representation within four (4) days from today and that representation if R-2 thinks is fit to be disposed of, then only further enquiry proceedings should be started and if R-2 feels that the request need not be considered, he should also advise the applicant suitably before the start of further enquiry proceedings.

7. The OA is disposed of at the admission stage itself. No costs.



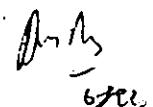
( R.RANGARAJAN )  
MEMBER(ADMN)



( D.H.NASIR )  
VICE CHAIRMAN

DATED: this the 6th day of August, 1999  
Dictated to steno in the Open Court

\*\*\*  
DSN



6/8/

1st AND 2nd COURT.

COPY TO:-

1. HDHNO

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

2. HHRP M(A)

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH, HYDERABAD.

3. HOSDP M(J)

4. D.R. (A)

5. SPARE

THE HON'BLE MR. JUSTICE D.H. NÄSIR  
VICE - CHAIRMAN

THE HON'BLE MR. H. RAOJNORA PRASAD  
MEMBER ( ADMIN )

THE HON'BLE MR. R. RANGARAJAN :  
MEMBER ( ADMIN )

THE HON'BLE MR. D.S. JAI P. PARAMESHWAR,  
MEMBER ( JUDL )

ORDER: Date. 6/8/99

ORDER / JUDGMENT

MA./RA./CP.NO

IN  
DA.NO.

1142/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED..

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

O.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

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