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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 12.4.1999

OA 204/98

Prahlad Sharma, Ex.EDBPM, Sukar EDBO (Gadhmore), Distt. Sawai Madhopur.

... Applicant

Versus

1. Union of India through Secretary, Ministry of Communications, Department of Posts, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Director Postal Services, Jaipur Region, Jaipur.
4. Superintendent of Post Offices, Sawai Madhopur Postal Division, Sawai Madhopur.
5. Inquiry Officer & Asstt. Supdt. of Post Offices (HQ) o/o Supdt. of Post Offices, Sawai Madhopur Postal Division, Sawai Madhopur.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicant ... Mr.C.B.Sharma

For the Respondents ...

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Prahlad Sharma, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, challenging the charge-sheet dated 3/15.11.1995, at Annexure A-6, the order of the disciplinary authority dated 7/9.4.1997, at Annexure A-2, by which the penalty of removal from service was imposed upon the applicant as also the order of the appellate authority dated 10.12.1997, at Annexure A-1, by which the order of the disciplinary authority was affirmed.

2. We have heard the learned counsel for the applicant and have carefully perused the records of the case.

3. Applicant's case is that while he was serving as an Extra Departmental Branch Post Master, allegations regarding misappropriation of money by way of withdrawals of Rs.4500/- and Rs.5800/- from Recurring Deposit Account Nos.40562 and 40561 were levelled against him. The applicant was put off from duty and a preliminary inquiry was conducted. Thereafter, a charge-sheet was issued under Rule-8 of the Extra Departmental Agents (Conduct and Service) Rules, 1964 and it was alleged therein that the ~~CKN~~ applicant had misappropriated the money by retaining the same with him and

by putting forged signatures on the withdrawal forms. An inquiry was made into the allegations against the applicant. A copy of the inquiry report was furnished to the applicant. Thereafter, the penalty of removal from service was imposed upon the applicant. The contention of the applicant is that the inquiry officer failed to consider the statements of the applicant and the defence witnesses and he placed reliance merely on the statements of the account holders. It is further contended that the entire inquiry is against the rules and regulations on the subject. So far as the disciplinary authority is concerned, the applicant's contention is that he had passed the punishment order dated 7/9.4.1997, at Annexure A-2, without considering the representation of the applicant, without applying his mind properly and without invoking any rule. It is also contended that the appellate authority, without considering the facts mentioned in the memo of appeal, rejected the appeal. It is borne out by the record that the withdrawal of Rs.4500/- dated 7.6.1994 was effected by the applicant without the knowledge of the depositor and the Pass Book balances were also not changed in order to prevent any possible detection of the fraud. We are of the view that the disciplinary authority after carefully considering the representation of the applicant, at Annexure A-8, had passed a detailed order vide Annexure A-2 dated 7/9.4.1997 and the mere omission on his part not to invoke any rule does not vitiate the order passed by the disciplinary authority. The appellate authority while disposing of the appeal had carefully considered all the grounds mentioned in the memo of appeal and thereafter passed an order upholding the punishment order imposed by the disciplinary authority. We do not find any infirmity or any procedural error in the process of decision making. We have in fact no jurisdiction to look into the truth of the charges or into the correctness of the findings recorded by the disciplinary authority or the appellate authority in the circumstances of the present case. We, therefore, do not find any merit in this application. It is, therefore, dismissed at the stage of admission.

Gopal Singh
(GOPAL SINGH)

ADM. MEMBER

Gopal Krishna
(GOPAL KRISHNA)

VICE CHAIRMAN

VK