

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

O.A. No. 170/2000
T/A. No.

199

DATE OF DECISION 1-11-2002

Mange Ram Petitioner/Applicant.

Mr. K.L. Thawani Advocate for the Petitioner (s)

Versus

Union of India & Ors. Respondent

Mr. Arun Chaturvedi Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. Justice G.L. Gupta,
Vice Chairman

The Hon'ble Mr. Gopal Singh,
Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(Gopal Singh)
Adm. Member

May kindly see

11/11

(G.L.Gupta)
Vice Chairman

Hon'ble V.C.

On

In the Central Administrative Tribunal
Jaipur Bench, Jaipur

Date of Order : 1.11.04

D.A. No. 170/2000

Mangeram S/o Birbalram aged about 45 years, and Resident of Village & Post Office Jharoda Via Kuharwas District- Jhunjhunu and working as Ex. Extra - Departmental Branch Post Master, Jhareda Via Kuharwas 333 034.

..... Applicant.

versus

1. Union of India through through the Secretary to the Government of India, Department of Posts, Ministry of Communication,
Ne New Delhi - 110 001.

2. Postmaster General,
Rajasthan Western Region,
Jodhpur- 342 003.

3. Director Postal Services,
Rajasthan Western Region,
Jodhpur 342 003.

4. Superintendent of Post Office,
Jhunjhunu Division,
Jhunjhunu 333 001.

..... Respondents.

CORAM :

Hon'ble Mr. Justice G.L. Gupta, Vice Chairman
Hon'ble Mr. Gopal Singh, Administrative Member

Gopal Singh

Mr. K.L. Thawani, counsel for the applicant, is present.
Mr. Arun Chaturvedi, counsel for respondents, is present.

O R D E R

Per Mr. Gopal Singh :

In this application under section 19 of the Administrative Tribunals Act, 1985, applicant Mangeram, has prayed for quashing the impugned order dated 9.8.99 (Annex.A/1) and 25.1.2000 (Annex.A/2) and, further for a direction to the respondents to reinstate the applicant in service with all consequential benefits.

2. Applicant's case is that he was working as Extra Departmental Branch Post Master ('E.D.B.P.M.' for short) Jharoda Post Office since 19.5.79. A Chargesheet was served upon the applicant vide Memorandum dated 13.1.99 (Annex.A/3). The charges framed relating to mis-appropriation of money and on conclusion of the inquiry, the Disciplinary Authority imposed penalty of removal from service upon the applicant vide his order dated 9.8.99 (Annex.A/1). The appeal filed against the order of the Disciplinary Authority was rejected by the Appellate Authority vide his order dated 25.1.2000 (Annex.A/2). Hence, this Application.

3. The applicant has preferred this application on the following grounds viz. (i) the departmental inquiry was not properly held and he was not given an

Gopal Singh

opportunity to defend his case ; (ii) the applicant was not allowed the services of a Defence Assistant of his choice, (iii) the applicant was not given photo copies of the listed documents ; (iv) the Disciplinary Authority and the Inquiry Officer, have deliberately and wilfully avoided to refer to the rules of deposits in Saving Bank Account ; (v) the Inquiry Officer failed to examine the applicant under Rule 14 (18) of the CCS (CCA) Rules, 1965 and (vi) the penalty imposed upon the applicant is harsh and shocking.

4. In the counter, respondents have stated that the inquiry was held as per rules and there were no irregularity or infirmity in the conduct of inquiry. The Inquiry Officer has held the charges against the applicant as 'proved'. It is also pointed-out by the respondents that applicant in his statement dated 3.12.98 has accepted the allegation levelled against him and assured good conduct for the future. In these circumstances, the applicant does not deserve any sympathy, ever the respondents and the application be dismissed.

5. We have heard the learned counsel for the parties and perused record of the case carefully.

6. As has been pointed-out above, the applicant has himself in his statement dated 3.12.98 accepted the allegation levelled against him, nothing more remains to be deliberated in this case. He has been held guilty of the charges by the Inquiry Officer and accordingly

Agree S. G.

he has been punished by the Disciplinary Authority. Mis-appropriation of Government money is a serious matter and reflects adversely upon the integrity of the applicant. Non-questioning of the applicant under Sub Rule 18 of Rule 14 of the CCS (CCA) Rules, has ^{not} caused any prejudices and, therefore, we do not consider this to be fatal so as to vitiate the inquiry. We are, therefore, of the view that the Original Application is devoid of any merit and is liable to be dismissed.

7. The Original Application is accordingly dismissed with no order as to cost.

Gopal Singh

(Gopal Singh)
Administrative Member

G.L.Gupta

(G.L.Gupta)
Vice Chairman

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