

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.118/2001

Date of order: 17/2/2002

Bhambu Ram, S/o Devi Sahai Koli, R/o Plot No.66,
Koli Colony, Kanwar Nagar, Jaipur, working as P.A,
HSG. II, Jaipur City Post Office, Jaipur.

...Applicant.

Vs.

1. Union of India through Secretary to the Govt of India, Deptt of Posts, Dak Bhawan, New Delhi.
2. Hon'ble Member (P), Postal Service Board, Dak Bhawan New Delhi.
3. Chief Post Master General, Rajasthan Circle, Jaipur.
4. Sr.Suptd.Post Offices, Jaipur City Dn. Jaipur.

...Respondents.

Mr.P.N.Jati : Counsel for applicant

Mr.P.C.Sharma, proxy of Mr.Sanjay Pareek - for respondents.

CORAM:

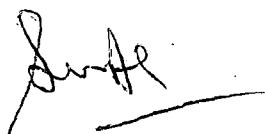
Hon'ble Mr.S.K.Agarwal, Judicial Member.

Hon'ble Mr.H.O.Gupta, Administrative Member.

PER HON'BLE MR S.K.AGARWAL, JUDICIAL MEMBER.

In this O.A filed under Sec.19 of the ATs Act, 1985, the applicant makes a prayer to quash and set aside the impugned order dated 21.2.2000 (Annex.A1) and to direct the respondents to refund Rs.10000/- which has been recovered from him.

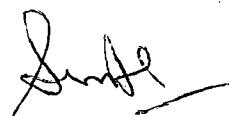
2. In brief facts of the case as stated by the applicant are that while working as SPM, Kotwali Post Office Jaipur, a memorandum of charge-sheet under Rule 16 of the CCS(CCA) Rules, 1965 was issued to which the applicant gave his reply. The applicant was alleged for the loss of Rs.40000/- as he failed to exercise proper supervision on



the work performed by the Postal Assistant thereby violated Rule 23(1)(II) read with Rule 31 of POSB Manual Vol.II and due to the negligence of the applicant, the department suffered a loss of Rs.40000/-. Therefore, the applicant filed this O.A for the relief as above.

3. Reply was filed. It is stated that the applicant failed to exercise proper supervision on the work performed by the Postal Assistant Sh.Hanumanpuri Goswamy thereby allowed payment of KVPs. Thus, due to the negligence of the applicant, the department suffered a loss of Rs.40000/-. It is stated that after considering the representation filed by the applicant, the disciplinary authority imposed punishment on the applicant to recover Rs.20000/- in 32 monthly instalments of Rs.625/- each vide order dated 31.12.96. The applicant submitted appeal before the Director Postal Services which was rejected. Thereafter, the applicant preferred revision petition before the Member (P), Postal Services Board, who modified the penalty to that of recovering Rs.10000/- only. It is stated that the applicant was duty bound to supervise the work of Sh.Hanumanpuri Goswamy which the applicant failed to do so and he cannot escape from the responsibility. It is also stated that the applicant did not observe the rules and regulations of the provisions contained in Rule 23(1)(II) and Rule 31 of POSB Manual Vol.II. Had he observed the said rules, there would not have been any loss to the government. Therefore, it is stated that the applicant has no case for interference by this Tribunal and the O.A devoid of any merit is liable to be dismissed.

4. Rejoinder has also been filed reiterating the facts as stated in the O.A which is on record.



5. Heard the learned counsel for the parties and also perused the whole record.

6. We have given thoughtful consideration to the provisions contained in Rule 23 and 31 of the POSB Manual Vol.II and we are of the considered view that the applicant failed to exercise proper supervision on the work performed by his Postal Assistant Sh.Hanumanpuri Goswami. It is also worth mentioning here that the respondents took action against the following three persons for recovery:

- i) Sh.D.L.Gupta, SPM, Bhura Tiba for recovery of Rs.40000/-
- ii) Sh.Hanumanpuri Goswami, PA, Kotwali, Jaipur for recovery of Rs.20000/-
- iii) Sh.Bhambhu Ram, the applicant.

It is also important to mention here that Police report has also been filed in this matter but final report was given as the accused Sh.M.L.Gupta could not be traced. Therefore, FR was sanctioned by the concerned Magistrate and was returned to the concerned Police Station.

7. Sh.D.L.Gupta has also filed O.A No.99/98 which decided vide order dated 1.1.2002 in which the applicant was held responsible for violation of the relevant rules and the present case is also similarly situated.

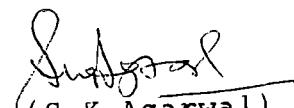
8. As violation of Rules 23 and 31 of POSB Manual Vol.II have been fully established against the applicant, therefore, we do not find any infirmity/illegality in the aforesaid orders under challenge and the applicant has no case for interference by this Tribunal. Therefore, this O.A devoid of any merit is liable to be dismissed.



9. We, therefore, dismiss this O.A having no merits
with no orders as to costs.


(H.O.Gupta)

Member (A).


(S.K.Agarwal)

Member (J).