

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 1127 of 2004

Indore this the 18th day of October 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

K.P. Rangari, aged about 61 years, S/o.
P.N. Rangari, R/o. V-15, Hathital Colony,
Jabalpur.

.... Applicant

(By Advocate – Shri Rajneesh Gupta)

Versus

1. Union of India, through Secretary,
Department of Posts, Govt. of India,
Dak Bhawan, New Delhi.
2. Chief Post Master General, Raipur,
Chhattisgarh Circle.
3. Director of Postal Services,
Raipur Region, Raipur.
4. Senior Superintendent of Post Offices,
Jabalpur District Jabalpur (MP).
5. Senior Post Master, Head Post Office,
Jabalpur.

.... Respondents

(By Advocate – Shri P. Shankaran)

ORDER

By Madan Mohan, Judicial Member -

By filing this Original Application the applicant has claimed the following main reliefs :

“(i) to quash and set aside the charge sheet dated 3.2.2004
(Annexure A-1),



(ii) to direct the respondents to refund an amount of Rs. 54,932/- illegally recovered from the applicant."

2. The brief facts of the case are that, at the relevant time the applicant was posted as Assistant Post Master (Saving Bank-1), at Head Post Office, Jabalpur. He was looking after the work of saving bank and various accounts of Head Post Office. On 9.12.1997 one Shri Rakesh Indurakhya issued a cheque worth Rs. 20,000/- from the saving account No. 840094. In the similar fashion one Shri Mukesh Indurakhya also issued a cheque from saving bank account No. 841085 for Rs. 20,000/-. The aforesaid persons deposited a cheque in Bank of India, Napier Town Branch for encashment and the same was sent for clearance through State Bank of India, Main Branch, Civil Lines, Jabalpur to Head Post Office, Jabalpur. For encashment of both the cheques, a cheque worth Rs. 40,000/- dated 11.12.1997 was issued by the applicant through the State Bank of India, Civil Lines Branch, Jabalpur for its payment to Bank of India, Napier Town Branch and thereafter the applicant made entries in the Log Book in the respective accounts of the aforesaid persons for Rs. 20,000/- each on 11.12.1997. It seems that in the Head post office due to the mistake of the ledger clerk the respective entries were not made in the ledger book and therefore in the accounts of the aforesaid persons entries of withdrawal of Rs. 20,000/- each were not made on 11.12.1997. Since the withdrawals by issuing cheques were not accompanied by the pass books of the respective persons, the entries in the pass book could not be made. Since the two withdrawal entries in the account of the aforesaid persons were not made on 11.12.1997 therefore the amount of Rs. 40,000/- was not debited from the account of the respective persons. On being objection raised by Audit Branch and on being investigation the respondents made the applicant scapegoat for the whole incident and fix the responsibility of the loss caused to the Department on the applicant issuing the letter for recovery of amount lost requiring the applicant to deposit Rs. 20,000/- plus Rs. 6080/- as interest in one case and in another case Rs. 20,000/- plus Rs. 5800/- as penal interest. The applicant received



the impugned show cause notice on 3.2.2004. The applicant retired from service on 29.2.2004. As per the show cause notice the applicant deposited the amount of Rs. 27,066/- in one case and in another case he deposited Rs. 27,866/- respectively in view of his impending promotion. He is challenging the recovery of Rs. 54,932/- by filing this Original Application.

3. Heard the learned counsel for the parties and carefully perused the pleadings and records.

4. It is argued on behalf of the applicant that since the withdrawal by issuing cheques were not accompanied by the pass books of the respective persons, the entries in the pass book could not be made. Thus, the two withdrawal entries in the account of aforesaid persons were not made on 11.12.1997 and therefore the amount of Rs. 40,000/- was not debited from the account of the respective persons. Our attention is drawn towards Annexure A-3 and he further argued that it seems that in the Head Post Office due to the mistake of ledger clerk the respective entries were not made in the ledger book and therefore, in the accounts of the aforesaid persons entries of withdrawal of Rs. 20,000/- each were not made on 11.12.1997. The applicant was issued a show cause notice on 3.2.2004 and he was going to retire on 29.2.2004. As per the show cause notice he has deposited the total amount as directed by the respondents.

5. In reply it is argued on behalf of the respondents that since the entry in the ledger cards of the withdrawals of Rs. 20,000/- was not made and the debit was not raised, the balance in the ledgers was excess by Rs. 20,000/- in both the accounts which the depositors had withdrawn later on resulting loss of Rs. 54,932/- with interest to the Government. When the mistake was noticed, the applicant was served with a show cause notice to explain as to why the recovery should not be imposed on him and why departmental action should not be initiated against him for such lapse. In response to this notice the applicant did not give any explanation but




deposited the entire amount of loss sustained to the Government by the applicant at his own. Hence, no further action was initiated against him and he was later allowed to retire on 29.2.2004. The action of the applicant voluntarily depositing the amount of loss is the implied acceptance of responsibility of loss by him. Hence, this Original Application deserves to be dismissed.

6. After hearing the learned counsel for the parties and careful perusal of the pleadings and records, we find that the applicant did not submit any explanation against the show cause notice dated 3.2.2004 (Annexure A-1) issued by the respondents for recovery for the alleged mistake of the applicant causing loss to the Government. The applicant deposited the entire amount with interest without any prior approval of the competent authority. The applicant was further directed by the aforesaid show cause notice dated 3.2.2004 (Annexure A-1) that if the applicant does not deposit the amount in question with interest ^{then} departmental ^{action} shall be initiated against him. The applicant has deposited the whole amount voluntarily which implies acceptance of responsibility of loss by him. Since the entire amount of loss sustained by the Government has been deposited by the applicant and as the applicant was at the verge of retirement the respondents had not initiated any departmental proceedings against him. We find that no irregularity or illegality has been committed by the respondents.

7. Considering all the facts and circumstances of the case we are of the considered view that this Original Application has no merit and is liable to be dismissed. Accordingly, the Original Application is dismissed. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

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