

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Applications No 783 of 2004

Given this the 21st day of June, 2005.

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

Prem Narayan Nakib
S/o Late Bhaiyalal Nakib,
Aged about 47 years, By occupation
Gramin Dak Sevak/Sub Branch,
Post Office Karmora (Jatara) Distt.
Tikamgarh, (M.P.)

Applicant

(By Advocate – Shri V.K. Shukla)

V E R S U S

1. Union of India,
Through Directorate General,
Department of Communication & Postal
Dak Bhavan, Sansad Marg, New Delhi.
2. Chief Post Master General
Madhya Pradesh Circle Bhopal,
Through the Director Postal Services
M.P. Circle, Bhopal M.P.
3. Superintendent,
Post Office Chhatarpur,
Division Chhatarpur (M.P.)
4. Sub Division Inspector,
(Postal) Sub Division Niwadi
District Tikamgarh, M.P.

Respondents

(By Advocate – Shri S.K. Mishra)



ORDER

By Madan Mohan, Judicial Member -

By filing this Original Application, the applicant has sought the following main reliefs :-

- i) to quash the termination order dated 22.10.03 issued by respondent No.3 and order dated 27.2.2004 Annex. P-10 passed by respondent No.2 though the impugned order dated 22.10.2003 passed by respondents terminated the services of the petitioner has yet not been served to the petitioner.
- ii) to reinstate the petitioner on the post of Gramin Dak Sevak/Sub Branch Post Master of Post Office Karmora (Jatara) District Tikamgarh with all the consequential benefits with interest.”

2. The brief facts of the case are that the applicant was initially appointed as EDDA vide order dated 2.2.80 at Jarua(Jatara). He was served with a charge sheet dated 28.2.2003 with the allegation that while performing the duties he received an amount of Rs.2000/- and Rs.1200/- from various persons and did not deposit the aforesaid amount in the Government accounts and used it for his own purpose. According to the applicant, he has demanded concerned documents from the respondents for submitting his reply but, the enquiry was concluded without following the procedure and principles of natural justice and the applicant has been terminated from service vide order dated 22.10.2003. Thereafter, the applicant had filed an OA No.805/03, which was disposed of vide order dated 19.11.2003 directing the applicant to file an appeal. Thereafter he has filed an appeal on 24.12.2003 which was rejected vide order dated 27.2.2004. Hence, this Original Application.



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

4. The learned counsel for the applicant has argued that the respondents did not supply the copy of the relevant and concerned documents. Hence, he could not submit his reply properly against the charges leveled against him and the respondents did not conduct the departmental enquiry proceedings in accordance with rules and law. The charges against the applicant are not proved and the opportunity of hearing was not given to him. Thus, the principles of natural justice have not been followed by the respondents and both the impugned orders passed by the disciplinary and appellate authorities are non-speaking. Hence, this OA deserves to be allowed.

5. In reply, the learned counsel for the respondents argued that the applicant was well aware about the concerned documents which were in his own possession as he received the money from the various persons and he did not deposit it in the Government accounts. He further argued that the respondents had supplied all the concerned and relevant documents to the applicant. The applicant has misappropriated the amount of Rs.3200/- of the public for his own purpose and the charges leveled against the applicant are fully proved. The learned counsel for the respondents has drawn our attention towards the letter of the applicant dated 14.7.2003 (Annexure-R-2) in which he has accepted all the charges leveled against him and in which he has further stated that he does not want further enquiry. The applicant himself admitted the aforesaid submission before the enquiry officer.

6. After hearing the learned counsel for the parties and on careful perusal of the records, we find that the charges leveled against the applicant are ^{about the} misappropriation of Government money, which are very serious in nature. Misappropriation of Government money by a Government servant would adversely affect the trust reposed by the

public in the Postal department. We have perused the letter dated 14.7.2003 and the enquiry officer's report dated 15.7.2003 wherein the applicant himself admitted all the charges leveled against him and in which he also stated that he does not want further enquiry. The applicant has not controverted the aforesaid documents filed by the respondents by filing any rejoinder. We have considered the quantum of punishment and the charges leveled against the applicant are very serious in nature, which adversely affected the Government department's integrity and also adversely affected it's reputation and confidence. In this case the applicant has already admitted all the charges before the enquiry officer and he has misappropriated the Government money. Therefore, the respondents have rightly passed the aforesaid impugned orders.

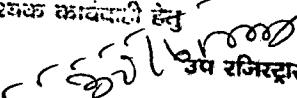
7. In view of the above, we do not find any merit in this OA. Accordingly, the same is dismissed. No costs.

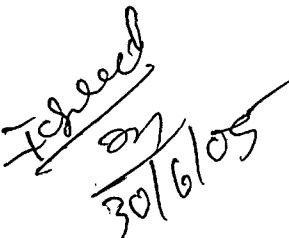

(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

प्राप्तिकर्ता सं औ/ज्ञा.....जबलपुर, दि.....
प्रतिलिपि अवृत्ति:-
(1) सचिव, उच्च न्यायालय वार एसोसिएशन, जबलपुर
(2) अवैकाशक श्री/श्रीमती/कुके काउंसल
(3) प्रत्यर्थी श्री/श्रीमती/कुके काउंसल
(4) चंद्रशाल, दोप्राता, जबलपुर न्यायालय
सूचना एवं आवश्यक काव्यालयी हेतु

V.K.Shukla 21.7.03
J.K.Mishra 21/07/03


उप रजिस्ट्रार


30/6/05