

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No. 869/03

Shahdol this the 7th day of December, 2004

CORM

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

Smt.Kiran Shrivastava
W/o C.B.Shrivastava
R/o Village & P.O. Bhui Bandh
Shahdol (M.P.)

Applicant

(By advocate Shri A.P.Singh)

Versus

1. Union of India through
Secretary
Postal & Telegraph Department
New Delhi.
2. Chief Postmaster General
Chhattisgarh Circle, Raipur.
3. Director
Postal Services, Raipur
Chhattisgarh.
4. Superintendent of Post Offices
Shahdol (M.P.)

Respondents.

(By advocate Shri Om Namdeo)

ORDER

By Madan Mohan, Judicial Member

By filing this OA the applicant has sought the following reliefs:

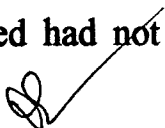
- (i) To quash impugned orders dated 29.4.02 (Annexure A3); dated 13.8.02 (Annexure A5) and dated 26.2.03 (Annexure A7)
- (ii) To direct the respondents to reinstate the applicant.



(iii) To direct the respondents to give the applicant all consequential benefits and arrears of pay.

2. The brief facts of the case are that the applicant was appointed as Extra Departmental Post Master, Bhuibandh , on 11.3.91. The post office was being run in a room taken on rent from one Smt.Dubasiya Bai Yadav. On 15.3.2001, respondent No.4 made an inspection and found that there was shortage of balance amount with the applicant. On being asked, the applicant explained that it was with the land lady who was having a locker in her house. Respondent No.4 forced the apphcant to sign a statement that she had spent the entire money. Vide order dated 7.6.2001, the applicant was charge sheeted (Annexure A1). An enquiry officer was appointed. He conducted the enquiry contrary to estabhshed rules and procedures. The enquiry officer submitted his findings on 26.3.02 stating that the charges against the apphcant were proved. The applicant submitted her reply dated 11.4.02 (Annexure A2). Respondent No.4 vide impugned order dated 29.4.02 terminated the services of the applicant (Annexure A3). The applicant preferred an appeal to respondent No.3. The appeal was dismissed vide order dated 13.8.02 (Annexure A5). The applicant preferred a revision petition on 11.12.02 to respondent No.2 (Annexure A6), which was rejected vide order dated 26.2.03 (Annexure A7). Hence the applicant preferred a mercy petition to the President of India on 17.11.03 (Annexure A8). But the applicant has not received any information so far. Hence this OA is filed.

3. Heard learned counsel for both parties. It is argued on behalf of the applicant that the preliminary enquiry conducted against the applicant was against rules and procedures laid down and also against the principles of natural justice. Respondent No.4 had forced the applicant to write Annexure R-1 document dated 15.3.01. This letter was not written by her voluntarily. The applicant had deposited the alleged amount of Rs.83,097/- on 17.3.2001. The work allotted to the applicant was beyond her capacity to handle. The charge against the applicant was not proved. The authorities concerned had not applied their mind while passing the



impugned orders. Hence the impugned orders are liable to be quashed and set aside.


4. In reply, the learned counsel for the respondents argued that on inspection of the Branch Post Office, Bhuibandh on 15.3.01, an amount of Rs.83097/- was found short. The applicant was asked to produce the cash and she replied that the key of the locker in which the cash was kept was in possession of Shri C.B.Shrivastava, who is her husband and postman of Shahdol HPO and that he was on duty. Respondent No.4 stayed till arrival of her husband but the applicant still failed to produce the cash as according to them, the money was spent by them for their own use. These facts were accepted by the applicant and her husband in their statements dated 15.3.01 (Annexure R1). Since it was a clear case of misappropriation of government money, the applicant was put off duty on 15.3.01 and charge sheeted on 7.6.01 and a detailed departmental enquiry was initiated. As the charges were found to be proved, the applicant was dismissed from service on 29.4.02. No irregularity or illegality is committed by the respondents in passing the impugned orders.

5. After hearing the learned counsel for both parties and a careful perusal of the records, we find that the applicant has written a letter dated 15.3.01 (Annexure R1) in which she has mentioned that she is not able to deposit the amount in question because the amount has been spent by her. The applicant has further mentioned that the aforesaid letter dated 15.3.01 was written by her and she has put her signature on 17.10.01. The argument advanced on behalf of the applicant that the applicant was forced by respondent No.4 to write Annexure R1 letter cannot be accepted as the applicant herself has written on the aforesaid letter that the letter was written and signed by her. This is an apparent admission of the charges by the applicant. Due opportunity of hearing was given to the applicant and the charge against the applicant was proved. Hence this is not a case of no evidence and the Tribunal cannot reappraise the evidence. The argument advanced on behalf of the respondents that the public at large would lose faith and trust in postal department if such incidents are

committed by postal employees seems to be perfectly justified. When this misappropriation came to the notice of the authorities on 15.3.01, the applicant deposited the amount on 17.3.2001. The charge against the applicant is serious in nature. Learned counsel of the applicant also argued that the punishment is too harsh. Considering the gravity of the charge, we find that the punishment does not seem to be harsh. We have perused the impugned orders passed by the disciplinary, appellate and revisional authorities. These orders are detailed, speaking and reasoned orders.

6. Considering all the facts and circumstances of the case, we are of the considered opinion that the OA has no merit. Hence the OA is dismissed. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

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*Issued
on 14-12-04
BS*

पृष्ठकन सं ओ/व्या.....जबलपुर, दि.....

परिचालित कार्य निम्न:-

- (1) सचिव, उच्च न्यायालय एवं न्यायालय, जबलपुर
- (2) आलेखक श्री/श्रीमती/श्री/श्रीमती के कार्यालय
- (3) प्रत्यक्षी श्री/श्रीमती/श्री/श्रीमती के कार्यालय
- (4) बांधपाल, को.प्र.अ., जबलपुर न्यायालय

सूचना एवं आवश्यक कार्यवाही हेतु

ज्येष्ठ न्यायाधीश

A.P. Singh Adv DP

on 14-12-04 Adv DP