

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPU

Original Application No. 506 of 2001

Jabalpur, this the 10th day of February, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

C.N. Sonwane, Retired Postal
Assistant, City Post Office,
Jabalpur, R/o. Near Paras Poha
Mill, Kosmi Sarekha, Balaghat
MP.

... Applicant

(By Advocate - Shri D.S. Prasad)

V e r s u s

1. Union of India and others
Through the Secretary/
Dept. of Posts, New Delhi
110 001.
2. The Director General/
Posts, New Delhi.
3. The Chief Post Master General,
Chhattisgarh Circle, Raipur.
4. The Sr. Superintendent of Post
Office, Jabalpur Division,
Jabalpur.

... Respondents

(By Advocate - Shri Om Namdeo)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application the applicant has claimed the relief to quash/set aside the order dated 9th July, 2001 (Annexure A-1) issued by the respondents to withhold the entire pension permanently and also forfeiture of gratuity permanently.

2. The brief facts of the case as stated by the parties are that the applicant was working as Postal Assistant in Jabalpur Postal Division and retired on superannuation from Jabalpur City Post Office on 31.08.1995. He was charged for mis-appropriation of Government money in SB/RD/NSC/KVP/IVP to the tune of

Rs. 9,32,511.80 during the period from 1.2.1987 to 14.12.90

A FIR was registered by the CBI, Jabalpur on 26.11.1991.

According to the investigation, the main accused was Shri S.C. Maravi, Sub Postmaster, Jabalpur and Shri C.N. Sonwane the applicant was the co-accused. The modus operandi was that the main accused Maravi got two fictitious saving bank account opened. Thereafter the applicant got several fictitious deposit intimation slips prepared. The applicant was found to have prepared six fake deposit intimation **five such slips again atleast of Rs. 50,000/- each** slips at about Rs. 50,000/- each and in respect of the second SB account totalling atleast of Rs. 6 Lacs.

Prosecution sanction was issued by the respondents on 2.2.1994. The Criminal Court of Special Judge, CBI vide its judgment dated 28.11.1998 in the case No. 24/94 in RC-22(A)/92-JBR, CBI Vs. S.C. Maravi and C.N. Sonwane, convicted the applicant with the punishment of sentence of 2 years RI and fine of Rs. 2,000/-, four years RI and fine of Rs. 7,000/- and three years RI with fine of Rs. 5,000/-

**120 (b) of IPC
for offences committed under Section 468, 471 read with Section
Sec. 120 (B)
420-IPC and Section 13(1)(d) read with Section 13(2) of**

Prevention of Corruption Act, 1988, respectively. The respondents vide their order dated 21.02.2000 issued a show cause notice to the applicant, affording an opportunity to the applicant to make representation against the proposed punishment of withholding his entire pension and forfeiting of his gratuity. The charged officer submitted his representation on 24th March, 2000 and the disciplinary authority after considering the representation of the applicant and all facts and circumstances of the case sought the advice of the Union Public Service Commission. After consulting with the UPSC the disciplinary authority has passed the order dated 9th July, 2001, whereby the entire pension of the applicant is withheld on permanent basis and his gratuity is forfeited. Aggrieved by this

W.M.

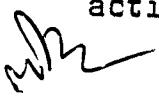
order, the applicant has filed this OA seeking the aforesaid reliefs.

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

4. The learned counsel for the applicant stated that an appeal has been filed by the applicant against the order of the criminal court and which is still pending. He has also submitted that the respondents ~~are~~ not paying any allowance to the applicant. According to him, the respondents should pay some allowance to the applicant. To support of his claim the learned counsel for the applicant has relied on the judgment of the Hon'ble Supreme Court in the case of State of Maharashtra Vs. Chandra Bhan, [REDACTED] AIR 1983 SC 803. The learned counsel for the applicant has also stated that the date of effect of withholding the entire pension has not been communicated by the Union Public Service Commission.

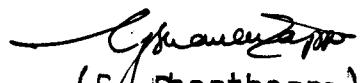
5. On the other hand the learned counsel for the respondents has stated that the applicant has been convicted by the criminal court and as per rules enquiry has been held against him and after following due procedure and obtaining advice of the Union Public Service Commission, the penalty of withholding of his entire pension and forfeiture of gratuity permanently has been imposed on the applicant.

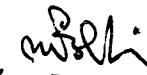
6. We have very carefully considered the rival contentions of the parties. It is an admitted fact that the applicant has been convicted by the criminal court for misappropriation of Government fund. His appeal is pending before the Hon'ble High Court. The respondents have taken action against the applicant in accordance with the rules



and the laid down procedure. The applicant has been given an opportunity of hearing by issuance of a notice. He has submitted his representation which has been considered by the respondents and thus principles of natural justice have been followed by the respondents. The respondents have also consulted the Union Public Service Commission ^{is} & only on the advice of the Union Public Service Commission, ^{That} the respondents have imposed the penalty on the applicant. We do not find any fault or illegality committed by the respondents in imposing the penalty.

7. For the reasons recorded above, we find that there is no infirmity with the order passed by the respondents on 9th July, 2001 (Annexure A-1) withholding the entire pension of the applicant and forfeiting the gratuity permanently. Accordingly, the Original Application is bereft of any merit and the same is dismissed. No costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman

पूर्णकल सं. ओ/व्या.....जबलपुर, दि.....
प्रतिविधि दरबारी दिनांक:-

"SAC"

- (1) सचिव, जनरल एडमिनिस्ट्रेशन, जबलपुर
- (2) आकाश एवं विद्युत विभाग, जबलपुर
- (3) पर्यावरण विभाग, जबलपुर
- (4) विद्युत विभाग, जबलपुर

Present
Absent
On Notice


उप राजस्वार्थ
B. B. Singh
23/7/01

23/7/01