

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 614 of 2002

Jabalpur, this the 29<sup>th</sup> day of October, 2004

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

Fagulal Patel  
S/o Shri C.S. Patel  
aged about 40 years,  
Ex-Postal Assistant,  
Trikon Chowck,  
Kedarpure, Ambikapur (CG).

APPLICANT

(By Advocate - Shri S. Paul)

VERSUS

1. Union of India,  
Through its Secretary,  
Ministry of Communication,  
Department of Posts,  
New Delhi.
2. Asstt. Director General,  
Ministry of Communication & IT,  
Department of Posts,  
Dak Bhawan, Sansad Bhawan,  
New Delhi.
3. Union Public Service Commission,  
Through its Secretary,  
Dhoulpur House, Shahjah Road,  
New Delhi.
4. Member(P)  
Postal Service Board,  
Department of Posts,  
New Delhi.
5. Post Master General,  
Raipur Region,  
Raipur (CG).
6. Superintendent,  
Post Offices,  
Raigarh (CG).

RESPONDENTS

(By Advocate - Shri P. Shankaran)

ORDER

By Madan Mohan, Judicial Member -

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


- "b) Set aside the order dated 20.8.98 Annexure-A/1  
24.11.98 Annexure A/2 2.3.2000 Annexure A/3 and  
dated 22.3.2002 Annexure A/4.
- c) Consequently, command the respondent to  
reinstate the applicant with full back wages and other  
consequential benefits."



2. The brief facts of the case are that the applicant was appointed on 31.12.1986 as Postal Assistant. While working as such he was served with a charge sheet dated 6.6.97 under rule 14 of CCS (CCA) Rules, 1965. The applicant submitted his reply and denied the charges in toto. The applicant was not given adequate opportunity to defend his case. The alleged complaint was made after 4 years in the year 1994 which itself speaks volume regarding bonafide of the complainant/complaint. The enquiry officer has failed to see discrepancies and held the applicant guilty. The disciplinary authority did not consider his representation and without assigning any reason inflicted a punishment of compulsory retirement from service vide order dated 20.8.98. The applicant preferred an appeal dated 03.10.98, the appeal was rejected by the appellate authority on 24.11.98. Thereafter the applicant preferred a revision petition which was also rejected vide order dated 2.3.2000 Aggrieved by the revisional authority's order the applicant preferred a review under Rule 29-A of CCS (CCA) Rules to the Hon'ble President of India. The same was also rejected. Hence this OA.

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

4. It is argued on behalf of the applicant that the alleged complaint against the applicant was made after 4 years which was false and baseless. Proper opportunity of hearing was not given to the applicant and the enquiry officer has not conducted the enquiry in a proper way. The applicant has submitted his representation but the disciplinary authority did not consider it and passed the impugned order of compulsory retirement. Thereafter his appeal, revision and review were also rejected by the



concerned authorities without considering his case and by passing non speaking order.

4. In reply the learned counsel for the respondents argued that the charges of the applicant are of a very serious and grave nature. He <sup>was</sup> a postal employee and he misappropriated the money of one lady Smt. Dujo Bai. The amount of her family pension was not granted to her and it was converted by the applicant for his personal use which is a very serious misconduct and also damages the reputation of the institution of the respondents. The public at large who have faith in the respondents institution will loose its faith on the respondents. The charge against the applicant is duly proved. This is not a case of no evidence, due opportunity of hearing was given by the authorities concerned and thereafter the impugned orders were passed. These orders are very detailed and speaking and reasoned orders. Hence no illegality of irregularity is committed by the respondents in conducting the departmental enquiry and also in passing the impugned orders.

5. After hearing the learned counsel for the parties and careful perusal of records, we find that due opportunity of hearing was given to the applicant as he filed representation against the report and finding of the enquiry officer and also filed an appeal against the disciplinary authority's orders, revision and review against the concerned authorities. Hence the applicant cannot ~~say~~ that the due or adequate opportunity was not given to him. The charges against the applicant are very serious and grave in nature, as the applicant has misused thumb impression of one lady Smt. Dujo Bai whereby converting her pension amount for <sup>his</sup> ~~some~~ personal use by the applicant. The charges against the applicant are so serious as the public at large who <sup>has</sup> have faith in the

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respondents institution will loose its faith on such act of the applicant. The matter was thoroughly investigated by the respondents and charges levelled against him were proved. We have perused the impugned orders passed by the disciplinary authority, appellate authority, revisional authority and reviewing authority and we find that they <sup>have</sup> passed reasoned and speaking orders. It is settled legal proposition that the Courts/Tribunal cannot reappraise the evidence and also cannot go into quantum of punishment unless shocks its conscience of the Tribunal/Courts. In this case the charges against the applicant are so grave and serious that it does not shocks our conscience.

6. Considering all the facts and circumstances of the case we do not find any merit in this OA and the same is liable to be dismissed. Accordingly the OA is dismissed. No costs.

(Madan Mohan)  
Judicial Member

(M.P. Singh)  
Vice Chairman

skm कृष्णकन सं ओ/न्या.....जबलपुर, दि.....

प्रतिनिधि अच्युतः-

- (1) सचिव, उच्च न्यायालय कार एडोरेटेशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/शु.....के काउंसल
- (3) प्रत्यक्ष श्री/श्रीमती/शु.....के काउंसल
- (4) बंधुबाल, को.प्र.अ., जबलपुर न्यायाधीश

सूचना एवं आवश्यक कार्यवाही हेतु

अप. रजिस्ट्रार

Issued  
On 2-11-04  
BS