

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 638 of 2001

Jabalpur, this the 15th day of June, 2004

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

B.S. Kuliha, aged about 55 years,
S/o. Shri Murlu Singh Kuliha,
R/o. Village & Post Maniksara
(Bijadandi), District - Mandla (MP). ... Applicant
(By Advocate - None)

V e r s u s

1. Secretary,
Ministry of Communications,
Department of Posts, Government
of India, New Delhi.
2. Power Adhikshak,
O/o. Power Adhikshak, Post Office,
Balaghat Zone, Balaghat (MP).
3. Sub Zonal Inspector,
(Investigating Officer)
Post Office : Uttarakhand,
District : Seoni (MP).
4. Complaint Inspector,
Post Office (Prastut Karta Officer),
Balaghat Zone, District - Balaghat (MP).
5. Sub Post Master,
Sub Post Office, Padariya Narayan
Ganj, District : Mandla (MP). ... Respondents

(By Advocate - Shri K.N. Pathia)

O R D E R

By Madan Mohan. Judicial Member -

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


- अ॥ आवेदक को 2 बरा पारित आदेश दिनांक 15.1.2001 को
शुन्य करने की दया करे।
- ब॥ आवेदक को पुनः अपने पद पर पदस्त करने का आदेश निलंबन
दिनांक 3.4.2000 से निरन्तर पारित करने की कृपा करे।
- स॥ यह कि आवेदक को मासिक वेतन निलंबन दिनांक 3.4.2000 तथा
बर्खास्त दिनांक 15.1.2001 से जितनी राशि का भुगतान आज
दिनांक तक वेतन के रूप में नहीं हुआ है। उसे दिये जाने के
आदेश पारित करने की कृपा करे।



2. The brief facts of the case are that the applicant was working as EDBPM from 20.4.1977. While working as such he was issued a charge sheet on 5.6.2000. The applicant submitted his reply denying the charges. An enquiry was started against the applicant and the enquiry officer submitted the enquiry report holding the charges proved against the applicant on 23.10.2000. The applicant filed his representation 16.11.2000. The disciplinary authority thereafter passed the impugned order dated 15.1.2001 imposing the penalty of ~~dismissal~~ from service on the applicant. This order passed by the respondents is illegal, against the law and the whole departmental proceedings were malafide and were also conducted ignoring all the mandatory rules. Hence the applicant has filed this OA claiming the aforesaid reliefs.

3. None for the applicant. Since it is an old case of 2001, we proceed to dispose of this Original Application by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents.


4. It is argued on behalf of the respondents that the applicant has mis-appropriated the Government money of Rs. 500/- and did not deposit the same in the Government account and he converted it for his personal use. For this charge departmental proceedings were conducted in accordance with the provisions of law and this is not the case of no evidence. Though the past record of the applicant was considered in this case by the disciplinary authority, the same was a part of the charge sheet. Hence opportunity was given to the applicant of hearing. No irregularity or illegality has been committed by the respondents in conducting the departmental proceedings. He



further argued that the applicant did not file the appeal against the impugned order of the disciplinary authority and has directly come to this Tribunal without initiating the departmental remedies available to him. All the charges are proved against the applicant. No principles of natural justice has been violated.

5. After hearing the learned counsel for the respondents we find that this is a case of moral turpitude and if such guilty employees are not punished, then the faith of the public will be lo-sing from the Government Department i.e. Postal Department. The public deposits its money with full confidence and in this case the charge against the applicant is that he received the money and did not deposit the same in the Government account and utilised for his personal use. This is not a case of no evidence and the charges against the applicant is proved. The copies of the relevant documents were duly supplied to the applicant and opportunity of hearing was also given to him. We also find that the applicant has not availed the remedy of filing appeal and directly approached this Tribunal claiming the aforesaid reliefs. We also do not find any irregularity or illegality committed by the respondents during the departmental proceedings. The charges against the applicant is grave and serious. It is a settled legal proposition that the Courts/Tribunals cannot reapprise the evidence and also cannot go into the quantum of punishment unless it shocks the conscience of the Courts/Tribunals.

6. Considering the facts and circumstances of the case we do not find any ground to interfere with the order



passed by the respondents. Hence the Original Application is dismissed as having no merit. No costs.

(Madan Mohan)
Judicial Member

(M. P. Singh)
Vice Chairman

SA

पृष्ठांकन सं. ओ/ज्या.....जबलपुर, दि.....

पुलिविजियि उत्तरी जिला —

- (1) सचिव, जल प्रदाता, 108 एन.एस.ए. रोड, जलपुर
- (2) जलपुर डी/डी ऑफिस, को कार्डसल
- (3) प्रत्यक्षी ऑफिस, को कार्डसल

(१) कार्यवाही के अन्तर्गत आवश्यक कार्यवाही हेतु सूचना एवं आवश्यक कार्यवाही हेतु

सूचना एवं आवश्यक कार्यवाही हेतु

24.6.04

Pra shant Kohade
Admission
KN Pethe

KN Petrus

Turned
on 24-6-04