

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 685 of 2002

Gwalior, this the 30th day of October, 2003

Hon'ble Shri Shanker Raju, Judicial Member
Hon'ble Shri Sarveshwar Jha, Administrative Member

Indrajeet Rajoria,
S/o Harcharan Lal. ... Applicant

(By Advocate - Shri B.D. Kargaiyan)

V e r s u s

Union of India through :
the Secretary, Ministry of
Communications, Dak Bhawan,
New Delhi,

and two others. ... Respondents

(By Advocate - Shri P.N. Kelkar)

O R D E R (Oral)

By Sarveshwar Jha, Administrative Member -

The applicant has impugned the orders of the
(Annexure A-1)
respondent No. 1, dated 26th November, 2001 and also the
orders of the respondent No. 2 dated the 9th April, 2002
(Annexure A-2) and has prayed for the same being quashed
with directions to them to reinstate him with all conse-
quential benefits.

2. The facts of the matter, briefly, are that the applicant while serving as E.D. Branch Postmaster at Salwai had received a demand draft for Rs. 10,340/- and Rs. 29,744/- dated the 25.05.1999 and 24.09.1999 respectively from Maharishi Ved Vigyan Bhawan, Maharishi Nagar, U.P. in the name of RPM for depositing the said amounts in the pass books accounts of the students of the said institution. The applicant could deposit the said amounts after opening an account in his name in Jila Sahakari Kendriya Bank, Branch at Dabra only on 15th June, 1999 and 14th December, 1999

Sarveshwar Jha

respectively. These amounts were withdrawn by him later and were also kept with him before he could deposit the same in the pass books of the students. It has been alleged by the respondents that these amounts were used by the applicant during the interregnum, i.e., during the period the amounts were deposited in the accounts of the applicant and withdrawn by him and later it was deposited in the pass books of the students. Accordingly, a charge memo was served on him vide the orders of the respondents dated the 1st June, 2001 (Annexure A-3). The charges briefly included the above facts. In the meantime, he had already been put off ~~from~~ his duty vide memo of the respondents dated the 22nd November, 2000 (Annexure A-4). He filed his reply dated the 11th June, 2001 (Annexure A-5) denying all the charges levelled against him. The facts submitted by him, briefly, included most of the things which have been mentioned in the charge sheet. He has, however, submitted that the amounts, after having been deposited initially in the accounts opened in his name, as the drafts were in his name, were withdrawn to be deposited in the pass books accounts of the students opened through Maharishi Ved Vigyan Kendra, Salwai. But the same could not be deposited immediately in the accounts of the students, as their pass books were not presented for depositing the amounts meant for them. These amounts were later deposited in the pass books accounts of the students as soon as the pass books were presented. He has himself admitted that the amount was deposited in the respective accounts, 6 months later after clearance of the demand draft for an amount of Rs. 10,340/- In the case of the other draft of Rs. 29,744/- also he has submitted that the amount of the said draft was deposited in the pass books of the students on 24.02.2000 after the draft was cleared on 01.02.2000. It was done only

when the pass books were presented for the purpose.

3. The applicant has taken us through the various stages of the enquiry and the fact that the enquiry proceedings were dropped after the respondents assured that the applicant had admitted all the charges, though the applicant has submitted that he had denied the charges twice. He has also drawn our attention to Rule 8 of the EDA (Conduct and Service) Rules, where it has been provided that an enquiry has to be made even if EDA accepts the charges. He has also argued that the enquiry report dated 15.09.2001 is totally vague and does not deal with any evidence brought on record in support of the charges. The fact that he had preferred an appeal to the appellate authority, i.e., Director of Postal Services, Indore Region on 29.12.2001 and the same was rejected, over-looking the principle of natural justice by denying him reasonable opportunity to defend the charges, has been followed up with a no objection letter written by the Maharshi Ved Vigyan Vishwa Vidhyapeetam (Annexure A-10) indicating that the amounts deposited by them were duly received by the students and the applicant having not misused the funds for his personal purposes, is not disputed.

4. The respondents have at ^{the} very outset submitted that the applicant had submitted a written application as per Annexure R-1 admitting all the charges and which led to the enquiry officer having recorded the said fact in the first order sheet dated 06.08.2001 (Annexure A-7 to the OA), and having stopped the enquiry proceedings, the enquiry officer proceeded to give his enquiry report. Incidentally, the said order sheet has also been signed by the applicant. The respondents have drawn our attention to the letter of the applicant placed at Annexure R-2 which opens with



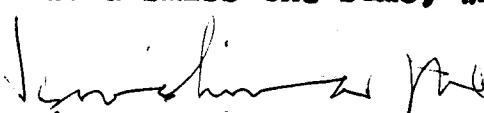
admission of the charges. The respondents have, however, not pointed out the fact that this letter also contains the submissions on the part of the applicant which amount to denial of the charges levelled against him and also making a request to the respondent No. 3 that the fact of his 20 years of dedicated service free of any complaint should be kept in view for pardoning him for the lapses committed by him out of ignorance. This representation also, it is presumed, must have been duly considered by the respondents before the impugned orders Annexure A-1 and Annexure A-2 were issued. Obviously, they rejected this representation of the applicant while issuing their impugned orders.

5. both we have gone through the sides of this case and we find that the demand drafts which had been issued in the name of the branch postmaster (the applicant) were essentially meant for being deposited in the individual accounts of the students of the Maharishi Ved Vigyan Kendra. Obviously, a lapse has been committed by the applicant by not taking quick action in depositing the amounts in the individual accounts of the students by following the appropriate procedure. If he was not aware of the procedure put forth in the matter he could have certainly consulted his seniors in the Department and avoided delay taking place in such a serious matter involving money for the ^{on} students. It is also record that he has admitted his lapses and asked the authorities to have sympathy with him on the basis of his past record. This, however, does not detract from the fact that he did not perform his duties well assigned to him as the branch postmaster. It was absolutely beyond his authority to have retained the money which had been sent to him in his name only to facilitate the rele-

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vant amounts being deposited in the individual accounts of the students. It must not have been envisaged by the Maharishi Ved Vigyan Kendra that the depositing of the amounts in the individual accounts of the students would be in any way delayed if the demand drafts were issued in the name of the branch post master. If they have issued a no objection letter in favour of the branch post master it appears to have been done out of ~~some~~ sympathy for him and not out of the factual position which has emerged before them.

6. Keeping, thus, the facts and circumstances of the case and also the materials on record as well as after hearing the learned counsel of the parties, we do not find any merit in the Original Application and accordingly we dismiss the same, with no order as to costs.

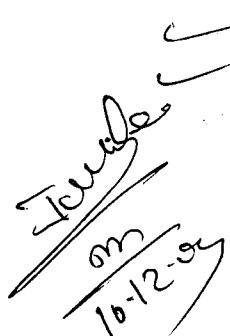

(Sarveshwar Jha)
Administrative Member


(Shanker Raju)
Judicial Member

"SA"

Shri B.D. Kaengaria Adu. Gwl.
Shri P.N. Kulkarni Adu. Gwl.


9.12.03


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