

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR  
(CIRCUIT SITTING AT BILASPUR)

Original Application No. 791/2001

Bilaspur, this the 17th day of March, 2004

HON'BLE SHRI M.P. SINGH, VICE CHAIRMAN  
HON'BLE SHRI MADAN MOHAN, MEMBER (J)

Prem Singh Naik s/o late Ayatu Ram Naik,  
aged 43 years,  
Ex.ED BPM, Chhotedongar B.O.  
(Narainpur), Thana: Chhotedongar,  
Tehsil Narainpur,  
Distt. Baster (C.G.).

(By Advocate: Shri S.T.Z.Rizvi)

Applicant

-versus-

1. Union of India through  
Secretary,  
Ministry of Communication,  
Department of Posts,  
New Delhi.
2. The Chief Postmaster General,  
Chhattisgarh Circle,  
Raipur (E.G.).
3. Director Postal Services,  
O/o The Chief P.M.G., C.G.Circle,  
Raipur (C.G.).
4. Superintendent of Post Offices,  
Baster Division, Jagdalpur (C.G.).
5. The Sub Divisional Inspector,  
Bhanupratappur Sub Dn.,  
Bhanupratappur.

...Respondents

(By Advocate: Shri S.P. Singh)

O R D E R (ORAL)

By Shri Madan Mohan, Member (J):

In this O.A. the applicant has sought the following  
main reliefs:

- 1) to quash the impugned orders Annexure A/2 and Annexure A/1 passed by the disciplinary authority and the appellate authority respectively.
- ii) to direct the respondent no. 3 to issue orders for de novo enquiry.
- iii) to grant liberty to the applicant to approach this Tribunal again in case he is still aggrieved by the orders of the appellate authority.
2. Brief facts of the case are that the applicant was working as E.D.Branch Postmaster Chhotedongar Branch Post

6. Learned counsel for the respondents has argued that the judgement of Ernakulam Bench of this Tribunal passed on 28.2.1990 in OA No. 650/1990 cited by the applicant is not applicable to his case as he has admitted his guilt in clear terms. Hence the respondents were justified in imposing the impugned penalty and dispensing with the enquiry.

7. After hearing the learned counsel for the parties and perusing the relevant record, we find that the charges levelled against the applicant are grave and serious in nature as the applicant has used the public money for his own use. Moreover, he has admitted this fact in writing and it is not argued that the said admission of the applicant was obtained by the respondents by way of any threat or inducement etc. Hence, it was a volunteer admission made by the applicant. It is further seen that while admitting the charges, the applicant has tendered apology with assurance not to commit such an act in future. We have also perused the orders passed by the disciplinary authority dated 27.3.1999 (A/2) vide which the applicant was removed from service. In the said order, the disciplinary authority has mentioned detailed reasons explaining about the clear admission of the applicant, therefore, it cannot be said that the order passed by the disciplinary authority was not a speaking order. We have also gone through the appellate order passed by the appellate authority on 4.5.2000 (A/1). The appellate authority applying its mind agreed with the order passed by the disciplinary authority on the ground that the applicant in his representation dated 24.4.1999 had admitted all the charges levelled against him. Hence, there was no need to proceed with the departmental enquiry any further before imposing the impugned penalty of removal from service on the applicant.

8. In view of the above discussion, we find no merit in the O.A. and the same is accordingly dismissed with no order as <sup>to</sup> ~~as~~ ~~est~~.

Madan Mohan

(MADAM MOHAN)  
Member (J)

ma/

M.P.SINGH  
(M.P.SINGH)  
Vice Chairman