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

Original Application No. 101 of 2000

Bilaspur, this the 24th day of September, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman  
Hon'ble Shri Anand Kumar Bhatt, Administrative Member

Ram Narayan Verma, S/o. Late Rati  
Ram Verma, Age about 48 years, Permanent  
Resident of Village/P.O. : Konar, via  
Gopal Nagar (RCW), Thana : Pangarh  
Tehsil/District : Janjgir (M.P.).

... Applicant

(By Advocate - Shri S.T.H. Rizvi)

V e r s u s

1. Union of India, Represented through  
Secretary, Ministry of Communication,  
Govt. of India, Deptt. of Posts,  
New Delhi.
2. Chief Postmaster General,  
M.P. Circle, Bhopal.
3. The Central Govt. through  
Director General, Deptt. of Posts,  
New Delhi.
4. Supdt. of Post Offices,  
Bilaspur Division, Bilaspur.
5. Shri B.P. Mishra, Sub Divisional  
Inspector,, (P), First Bilaspur  
Sub Division, Bilaspur.
6. Shri D.P. Yadav, I.O. & SDI(P),  
Bilaspur Sub Division No. 2,  
Bilaspur.

... Respondents

(By Advocate - Shri P. Shankaran for official respondents)

O R D E R (Oral)

Hon'ble V.S. Aggarwal -

The applicant was working as ED Packer in Gopal Nagar.  
It is alleged that on 31st January, 1997 the remitter of  
the two money orders attended the post office. As per the  
remitter  
applicant the/pressed him to issue two money orders for Rs.  
1900/- and Rs. 2000/- immediately. Since the SPM, Gopal  
Nagar had not returned then from lunch and the remitter was

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in hurry the applicant claimed that he entrusted the money with commission of both the money orders and left for some urgent work. When the applicant counted the entire cash he found one/currency note of Rs. 100/- to be defective. The applicant claimed that he wanted to handover the money to the SPM, but he suggested to him to bring the full amount. Thus an amount of Rs. 4095/- including the commission and the 100/- rupees note referred to remained with the applicant till 23.09.1997.

2. Disciplinary proceedings had been initiated against the applicant and thereupon the applicant had been removed from the post. His appeal since has been dismissed. We are informed that during the pendency of the said petition the revision petition has also been filed. The revision petition has been decided.

3. The learned counsel for the applicant argued that there was no un-conditional admission of the fact. Therefore the charge was not proved and based on that the appeal was not decided in accordance with rule 15-A of the BDA Conduct Rules.

4. We have carefully considered the submissions of both the counsel.

5. The learned counsel for the applicant relied upon Annexure R-1 and contends that the admission made was not un-conditional because therein the applicant had simply stated that he feels sorry and begged pardoned and further that the Government has not lost anything. Therefore he should be reinstated and in future he shall not commit any mistake.


6. Annexure R-1 dated 30th March, 1998 cannot be read in isolation. Thereafter the enquiry has started and the

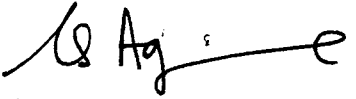
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applicant again gave in writing dated 25th September, 1998 that he admitted<sup>1/6</sup> the charges therein and stated that he does not want any further enquiry. The subsequent admission is un-equivocal and un-conditional. He admitted the charges that and himself wanted/no further enquiry be conducted. Once he has admitted the facts no formal proof would be required and therefore on that ground, we find that the plea of the applicant is without merit.

7. As regards the second contention that appeal has not been properly decided, we have gone through the order passed by the appellate authority, copy to which is Annexure A-2. The appellate authority has passed a detailed order with slight deviation in the procedure. In the absence of prejudice it will not nullify the said order. The order passed by the appellate authority considers the facts agitated and therefore the said submission does not require any further consideration.

8. In that event<sup>for the applicant</sup> the learned counsel/contended that the penalty awarded is excessive. The settled principle in law is that the Tribunal would only interfere if the penalty awarded is shocking the conscious of the Tribunal. The applicant retained the said amount for almost 9 months and in that backdrop the penalty so awarded cannot be taken to be disproportionate. No other plea was raised. The OA is dismissed.

  
(Anand Kumar Bhatt)  
Administrative Member

  
(V.S. Aggarwal)  
Chairman