

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR**

Original Application No. 1125 of 2000

Jabalpur, this the 7th day of April, 2004

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

Pradeep Kumar Persai, Ex. ED Branch  
Post Master, Jasalpur, Distt.  
Hoshangabad.

(By Advocate - Shri A.K. Pandey)

## V e r s u s

1. Union of India, through the Secretary, Ministry of Post, Government of India, New Delhi.
2. Director of Postal Services, Office of Chief Postmaster General, M.P. Circle, Bhopal - 462 012.
3. Senior Superintendent of Post Offices, Hoshangabad Division, Hoshangabad - 461 001.
4. B.S. Patel, Assistant Superintendent of Post Offices, Sub Division - Hoshangabad.

(By Advocate - Shri S.A. Dharmadhikari for official respondents)

O-R-D-E-R (Oral)

By M.P. Singh, Vice Chairman -

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

"(I) to issue order, direction or writ in the nature of certiorari to quash the order dated 17.8.1999 Annexure A-3 and order dated 22.6.2000 Annexure A-5

(II) to remit back the punishment order dated 17.8.1999 and subsequent confirmation by the appellate authority to decide the punishment afresh on the ground that the punishment is not proportionate to the misconduct."

2. The brief facts of the case are that the applicant was working as Extra Departmental Branch Post Master at Jasalpur, Hoshangabad. The applicant while discharging his duties during the period from 1994 to 1997 had accepted

various deposits from the account holder of the savings Bank account number 513417 and made entries in the pass book of the account holder but failed to deposit the sum in the Government accounts. The amount of deposit accepted by the applicant is as follows :

| "S.B. A/c. No. | Date of Deposit in the Pass-Book | Amount of deposits entered in Pass-book |
|----------------|----------------------------------|---|
| 513417         | 17.6.1994                        | 2000-00                                 |
|                | 12.6.1995                        | 2000-00                                 |
|                | 09.5.1996                        | 900-00                                  |
|                | 20.2.1997                        | 2500-00                                 |
|                |                                  | <hr/>                                   |
|                |                                  | Total 7400-00,,                         |
|                |                                  | <hr/>                                   |

The total amount of deposit is Rs. 7,400/-. The applicant was issued a charge sheet and an enquiry was conducted by the respondents against the applicant. The enquiry officer investigated into the charges and held that the charge relating to misappropriation against the applicant is not proved according to the statement of the account holder i.e. the complainant. However, for violation of the rules, the charge was proved. The finding of the enquiry officer has been sent to the applicant to submit his representation. The applicant did not file the representation. The disciplinary authority after taking into consideration the findings of the enquiry officer and the material available on record imposed the penalty of removal from service on the applicant, vide order dated 17th August, 1999. The applicant had filed an appeal against the said order of the disciplinary authority on 7.9.1999. The appellate authority vide its order dated 22.6.2000 has rejected the appeal of the applicant. Aggrieved by this, the applicant has filed this Original Application claiming the aforesaid reliefs.

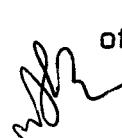


3. Heard the learned counsel for the parties and perused the records carefully.

4. The learned counsel for the applicant has stated that as far as the charge relating to misappropriation is concerned, the same is not proved. It is only the charge relating to violation of rules <sup>which</sup> ~~has been~~ proved. He has submitted that the penalty imposed by the respondents is disproportionate.

5. On the other hand, the learned counsel for the respondents submitted that the applicant has been charged for misappropriation and violation of rule. The charge regarding violation of rules has been proved. The charge was levelled against the ~~applicant~~ very grave and therefore the punishment awarded to the applicant is not disproportionate to the offence committed by the applicant.

6. We have given careful consideration to the rival contentions made on behalf of the parties and we find that in this case the charges against the applicant ~~were~~ <sup>of</sup> misappropriation of funds and violation of rules. An enquiry officer has been appointed, who has held that the charges are partly proved. The disciplinary authority ~~has~~ <sup>has</sup> sent the finding of the enquiry officer to the applicant to submit his representation. The applicant has not filed the representation. He has, however, filed an appeal against the order of the disciplinary authority. In this case, the applicant has been given the opportunity of hearing by sending the findings of the enquiry officer. Thus principles of natural justice has been followed. It is a settled legal position that the Tribunals/Courts cannot reappraise the evidence and also cannot go into the quantum of punishment unless it shocks the conscience of the



Tribunals/Courts. The respondents have conducted the enquiry against the applicant in accordance with the rules have been followed. and the procedure laid down in the rule. We therefore, do not find any ground to interfere with the orders passed by the disciplinary authority as well as the appellate authority.

7. In the result, the Original Application is without any merit and is accordingly, dismissed. No costs.

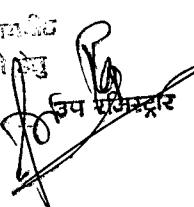
  
(Madan Mohan)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

"SA"

कृष्णकला सं. बो/टा..... बाबलपुर, दि.....  
चित्रिति दर्शन विद्या:-  
(1) राधिका, उच्च छायाचाला लाल एनोनिमस, बाबलपुर  
(2) लालेश्वर स्त्री/श्रीदाती/छु..... के काउंसल  
(3) प्रत्यर्थी श्री/श्रीमती/छु..... के काउंसल  
(4) विष्णुपाल, के प्राचा, बाबलपुर राजस्थान  
सूचना एवं आवश्यक कार्यकारी छु.....

  
A K Pandey  
SA Dharmashikshan

  
S P Singh  
26/4/104