

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.563 of 1998

Jabalpur, this the 20th day of February, 2003.

Hon'ble Mr. R.K. Upadhyaya, Member (Admnv.)
Hon'ble Mrs. Meera Chhibber, Member (J)

Shri Raj Kumar Singh Chandel,
Ex Post Man, S/o late Nandan Singh,
aged about 52 years, R/o 1/42, P&T
Colony, Bhadbhada Road, Bhopal.

-APPLICANT

(By Advocate- Mrs. S. Menon)

Versus

1. Union of India through
the Secretary, Department of Posts
and Telegraph, Government of India,
New Delhi.
2. The Director,
Postal Services, O/o Chief Post
Master General, MP Circle, Bhopal.
3. The Senior Superintendent of Post
Offices, Bhopal Division, Bhopal-
462 003.

-RESPONDENTS

O R D E R (ORAL)

By R.K. Upadhyaya, Member (Admnv.):

The applicant has filed this O.A. challenging the order of penalty dated 6.1.1997 (Annexure A-8) by which he has been compulsorily retired from service. He has also requested for quashing the appellate order dated 16.6.1997 (Annexure A-10) by which the penalty order has been confirmed.

2. It is claimed by the applicant that he was working as Postman in the Ravi Shankar Nagar Post Office, Bhopal during the period from 26.2.1993 to 29.3.1993. During this period, there was alleged wrong payment of three Money Orders of Rs.700/- on 26.2.1993, Rs.162/- on 1.3.1993 and Rs.200/- on 29.3.1993. A memorandum of charge sheet

dated 30.5.1995 (Annexure A-2) was issued. The Disciplinary Authority appointed Enquiry Officer, who submitted his report dated 27.1.1996 (Annexure A-6). The Enquiry Officer came to the conclusion that on the basis of documents and statements of the witnesses, the charges against the applicant for violation of provisions contained in Rules 121(2) and 127 of Part-3 Volume-6 of Postal Rules were proved against the applicant. After allowing opportunity of stating his case to the applicant, the Disciplinary Authority by order dated 6.1.1997 (Annexure A-8) passed the order of penalty of compulsory retirement. Aggrieved by the punishment order, the applicant preferred an appeal to the Director Postal Services, who by an order dated 16.6.1997 (Annexure A-10) confirmed the order of penalty. The learned counsel of the applicant urged that the quantum of punishment of compulsory retirement is disproportionately harsh. It is stated that the applicant has been charged for violating of certain provisions relating to payment of Money Orders, the applicant in good-faith has made the payment. The identification of the payees remained to be corroborated by witnesses by the applicant. This being the first mistake of the applicant should have been considered with leniency. The applicant has admitted that he did not get the identification of the payees by independent witnesses, as the payees were presumed identified on the basis of the address. In any case, if the mistake was admitted, a lenient view should have been taken. It was also pointed out by the learned counsel of the applicant that the loss of money has been made good as the same stands deposited in the Government Treasury, even before issue of charge sheet. Attention was also invited to the ~~report~~^{representation} dated 15.9.1997 (Annexure A-13) wherein the applicant has made the request that he should be allowed to retain the Government Quarter

as even after eight months of retirement, no retiral dues were paid to him. The applicant has also narrated the hardship faced by him in absence of any source of income to the applicant.

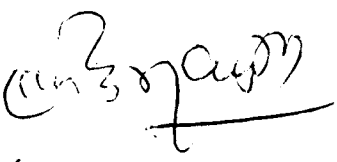
3. The learned counsel for the respondents invited attention to the reply filed, in which it has been stated that the enquiry was held by the department strictly in accordance with the provisions of the Rules in pursuance to the issue of charge sheet. According to the respondents, this application deserves to be dismissed being without any substance. In the reply filed, the respondents have stated that one money order of Rs. 200/- addressed to Smt. Manju Thapa was paid to one Bhupendra, a person other than real payee. The payee Smt. Manju Thapa in her statement dated 5.5.1994 stated that she did not know Bhupendra and there was no such person in the family. The respondents have further stated that the applicant himself willingly credited the amount into unclassified receipt on 9.5.1994. According to the respondents, the order of penalty as well as the appellate order are detailed and speaking orders based on facts of the case and require no interference.

4. We have heard the learned counsel of both the parties, and have perused the material available on record.

5. In our opinion, the penalty of compulsory retirement from service prima-facie appears to be harsh. The Appellate Authority in the order dated 16.6.1997 has not considered this aspect of the matter. In his appeal to the Appellate Authority, the applicant had pointed-out that there was no financial loss to the department. The payment to a wrong person could be on account of genuine mistake also.

Considering the arguments of the learned counsel of the applicant and facts of this case, we set-aside the order of Appellate Authority dated 16.6.1997 (Annexure A-10) for being passed afresh in accordance with law after allowing an opportunity of being heard to the applicant. He may while passing order give reasons for quantum of punishment, which the Appellate Authority considers reasonable on the facts of this case. With this directions, this O.A. is disposed of without any order as to costs.


(Mrs. Meera Chhibber)
Member (J)

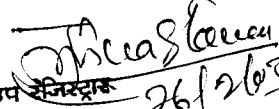

(R.K. Upadhyaya)
Member (A)

'MA'

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पृष्ठान्कन सं. नो. जयलपुर, दि.
प्राप्तिका, ...
(1) ... जयलपुर, जयलपुर
(2) ... के काउंसल
(3) ... के काउंसल
(4) ... के काउंसल
सूचना एवं जांचका. कार्यालयी हेतु

Smt. S. Menon / Adl.
S. C. Sharma / Adl.


उप-निर्देश 26/2/03

Issued
On 26.2.03
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