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CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

19.07.2012

OA No. 290/2009

Mr. P.N. Jatti, Counsel for applicant.
Mr. B.K. Pareek, Proxy counsel for
Mr. T.P. Sharma, Counsel for respondents.

On the request of the proxy counsel appearing on behalf of the learned counsel for the respondents, list it on 06.08.2012.

Anil Kumar
(Anil Kumar)

Member (A)

K.S.Rathore
(Justice K.S.Rathore)
Member (J)

ahq

06/08/2012

OA No. 290/2009

Mr. P.N. Jatti, Counsel for applicant.
Mr. T.P. Sharma, Counsel for respondents.

Heard

O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.

Anil Kumar

[Anil Kumar]
Member (A)

K.S.Rathore

[Justice K.S.Rathore]
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 6th day of August, 2012

Original Application No.290/2009

CORAM:

**HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)**

Parmanand Sharma,
s/o Shri Phondi Lal,
aged about 63 years
r/o Chaura Goan,
removed from Narauli Dang
Post Office, Tehsil Sapotara,
District Karauli,

.. Applicant

(By Advocate: Shri P.N.Jatti)

Versus

1. Union of India
through the Secretary to the Govt. of India,
Department of Posts,
Dak Bhawan,
Sansad Marg,
New Delhi.
2. Chief Post Master General,
Rajasthan Circle,
Jaipur-7.
3. Superintendent Post Offices,
Sawaimadhopur Dn.,
Sawaimadhopur

.. Respondents

(By Advocate: Shri Tej Prakash Sharma)

ORDER (ORAL)

The present OA is filed against the order dated 10.7.2008 passed by the Appellate Authority upholding the punishment awarded by the Disciplinary Authority vide its order dated 28.2.2007. The Disciplinary Authority has awarded punishment of removal from service with disqualification for future employment and the same has been upheld by the Appellate order vide order dated 10.7.2008.

2. The main challenge to these orders is on the ground that though the applicant failed to deposit the amount as alleged on the same day, but ultimately the money has been deposited, therefore, he has not committed any wrong and punishment awarded is shockingly disproportionate and deserves to be quashed and set-aside.

3. The applicant while working as GDS-BPM, Chauragaon BO under Naruali Dang SO from 13.1.2002 to 30.8.2003 was issued a charge sheet under Rule 10 of GDS (Conduct and Employment) Rules 2001 vide office Memo dated 10.11.2004 on the allegation that :-

- i) He failed to deposit and account for the amount of RD Lots Lists tendered by MPKBY Agent Smt. Saroj Kumari Garg on same day and which were accounted for on later dates. Thus, he has misappropriated the Govt. Money temporarily.
- ii) While working as GDSBPM from 27.11.2002 to 31.12.2002, the applicant also failed to



deposit/account for the amount of RD Lot lists tendered by Smt. Saroj Kumari Garg, MPKBY, on the dates of their presentation. He acknowledged receipt of the RD Lot Lists with amount by impressing Post Office stamp and his signature and also made deposit entries in Pass book of depositors, but he failed to account for the amount of the RD Lot Lists in Govt. Account.

Date on which RD Lot Lists Tendered by MPKBY Agents At the GDS BO.	Amount of Lot
27-11-02	10,000
28-11-02	10,000
29-11-02	9,500
30-11-02	9,960
24-12-02	8,000
26-12-02	10,000
27-12-02	10,000
28-12-02	10,114
30-12-02	6,600
31-12-02	3,389
	87563

Later on, on various dates (From January-2003 to August, 2003) Shri Sharma himself prepared forged RD Lot Lists and Pay-in-Slip in the name of the MPKBY Agent Smt. Saroj Kumari Garg by putting her bogus signature on Lot Lists and Pay-in-Slips and accounted for the amount of 87563/- on the later dates (including defaults amount bear by GDSBPM himself) for adjustment of the amount.

Thus he adjusted the amount of all the Lots on later dates as mentioned above and misappropriated the Govt. Money temporarily.

- iii) That the applicant, Ex-GDSBPM also committed permanent misappropriation of Govt. Money of Rs. 2400 in the RD Accounts.
- iv) That the applicant also misappropriated Govt. Money of Rs. 900 of RD Accounts which was tendered on 24.12.2002 for opening of New RD Accounts.
- v) That the applicant also permanently misappropriated Govt. Money amounting to Rs. 1650 of 24919, 25911, 25913, 24952 RD Accounts/Lots tendered by Smt. Saroj Kumari Garg, MPKBY.



vi) That the applicant Ex-GDSBPM also misappropriated Rs. 7800 by making fraudulent withdrawal from RD Account No.26242 on 05.06.2002 by filing withdrawal form (SB-7) and putting bogus signature of the depositor Shri Rajendra Prasad Agarwal.

Therefore, the applicant was charge sheeted under Rule 10 of GDS (Conduct and Employment) Rules, 2001 vide office Memo No.F-4-1/04-05 dated 11.10.2004. The departmental inquiry was conducted and during the inquiry all the charges were proved as per Inquiry report of Inquiry Officer and he was punished with dismissal from service, with disqualification for future employment vide SPOs Sawaimadhopur Memo No. F4-1/04-05 dated 28.02.2007.

4. We have considered the rival submissions of the respective parties and perused the Memo of charge sheet as well as the report of the inquiry conducted by the Inquiry Officer dated 28.10.2006. In the inquiry, the charges leveled against the applicant were fully proved and it appears that the applicant is habitual for misappropriating the Govt. money and looking to the gravity of the charges, which are fully proved during the inquiry, the Disciplinary Authority has rightly imposed penalty of Dismissal from Service with disqualification for future employment, which has been rightly upheld by the Appellate Authority.

5. Since the charges leveled against the applicant are fully proved as admitted by the applicant himself that he is guilty of not depositing the Govt. money well within the time and it is established that he is guilty of misappropriation of Govt. money, therefore, in



our considered view, no interference, whatsoever, is called for and accordingly, the OA being bereft of merit fails and the same is hereby dismissed with no order as to costs.

Anil Kumar

(ANIL KUMAR)
Admv. Member

K. S. Rathore

(JUSTICE K.S.RATHORE)
Judi. Member

R/