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**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

12.10.2011

OA No. 464/2011

Mr. C.B. Sharma, Counsel for applicant.

Heard. The OA is disposed of by a separate order.

Anil Kumar
(Anil Kumar)
Member (A)

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

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 12th day of October, 2011

OA No. 464/2011

CORAM:

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

Raghu Nath Prasad
s/o Shri Mangla Ram,
r/o Village and Post Govindpura,
Via Palsana, Distt. Sikar and
Compulsory Retired on 29.9.2008
from the Post of Sub Post Master,
Kochhore, Sub Post Office,
District Sikar.

..Applicant

(By Advocate : Shri C.B.Sharma)

Versus

1. The Union of India
through its Secretary to the Government of India,
Department of posts,
Ministry of Telecommunication and
Information Technology,
Government of India, Dak Bhawan,
Sansad Marg, New Delhi.

2. The Chief Post Master General,
Rajasthan Circle,
Jaipur

3. Superintendent of Post Offices,
Sikar Postal,
Sikar.

... Respondents

(By Advocate :)

ORDER (ORAL)

The applicant was initially appointed as Group-D in the year 1974. He became Postman in the year 1980 and thereafter Postal Assistant in the year 1981. The applicant was allowed placement in higher scale after completion of 16 years' service and further not allowed higher scale on completion of 26 years of service in the year 2007 and thereafter imposed punishment of compulsory retirement.

2. Vide Memorandum dated 2.7.2007 (Ann.A/4), a charge memo was served upon the applicant alleging therein that the applicant while working as SPM, Kochhor during the period 29.6.2003 to 8.2.2007 fraudulently withdrew Rs. 2 lacs from the Kochhor MIS Accounts by closing them prematurely although no such premature closure was applied by the depositor nor amount of these withdrawals was received by the depositor on the dates of closure of the accounts, in contravention of Rule 159 read with Rule 113(4) of PO SB Manual and Rule 4 &5 of FBH Man. Volume-I.

3. Enquiry was conducted against the applicant by the Enquiry Officer. The Enquiry Officer taken into account 21 documents and recorded statement of witness Shri Bihari Lal,



who testified all the documents, and also recorded statement of Shri Sita Ram. The applicant was examined on 4.1.2008. The applicant denied payment of interest and admit final payment and thereafter Enquiry Officer directed the presenting officer as well as applicant to submit written brief.

4. After considering reply submitted by the applicant, the Enquiry Officer submitted enquiry report on 18.1.2008 and proved the allegations against the applicant on the basis of statement and record.

5. The Disciplinary Authority having considered the representation submitted by the applicant imposed a punishment of compulsory retirement vide memo dated 27.2.2008 (Ann.A/2).

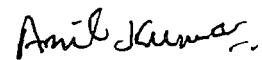
6. The applicant could not prefer appeal before the Appellate Authority and preferred Revision Petition before respondent No.2 on 14.6.2010 by invoking provisions of Rule 29 of the CCS (CCA) Rule, 1965.

7. The Revision Petition filed by the applicant has been rejected vide memo dated 29.3.2011 (Ann.A/1) on the ground of delay. It is stated at Bar by the learned counsel appearing for the applicant that there is no provision of limitation for filing Revision Petition, but on the contrary, under Rule 29 of the CCS (CCA) Rules, limitation of six months has been prescribed and admittedly, the applicant preferred Revision Petition after a



delay of more than 1 ½ years excluding six months' period. Therefore, in our considered view, the Revision Petition has rightly been dismissed on the ground of limitation and there being no illegality in the impugned order dated 29.3.2011, as such, no interference of this Tribunal is required.

8. Consequently, the OA being devoid of merit is hereby dismissed at admission stage.



(ANIL KUMAR)
Admv. Member



(JUSTICE K.S.RATHORE)
Judl. Member

R/