

CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 133/2012

Order dated: 22/04/2015

Coram:

Hon'ble Mr. Justice Harun Ul Rashid, Judicial Member

Hon'ble Mr. R. Ramanujam, Administrative Member

Pooran Mal S/o Prahlad Rai, by caste Balai aged about 43 yrs
R/o Near Laxmi Talkies, Mangal Chand Verma Ka Makan, Distt.
Sikar.

.....Applicant

(By advocate : Shri P.N. Jatti)

V E R S U S

1. Union of India through the Secretary to the Govt. of India,
Department of Post, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur-7.
3. Post Master General Western Region, Jodhpur.
4. Director Postal Services, Western Region, Jodhpur.
5. Superintendent Post Offices, Sikar Dn. Sikar.

.....Respondents

(By advocate : Shri Mukesh Agarwal)

ORDER (ORAL)

Applicant challenges the impugned order dated
22/03/2011 (Annexure A/1), order dated 10/09/2009

(Annexure A/2) and charge Memo dated 24/12/2008 (Annexure A/3). Further the applicant has sought directions to the respondents to take applicant on duty w.e.f. 24/04/2007 with all the consequential benefits.

2. Applicant has filed the OA challenging the order dated 22/03/2011 passed by the appellate authority confirming the penalty of removal from employment imposed by the disciplinary authority vide memo dated 10/09/2009. The disciplinary proceedings were initiated against the applicant under rule 18 of Gramin Dak Sevak (Conduct and Employment) Rules 2001. Applicant was served with charge sheet dated 24/12/2008. The charges levelled against the applicant is while working as GDSBPM Mawanda Khurd he made entries of deposit of Rs. 3000/- on 27/04/2007 in the pass book of RD account No. 4570155 held in the name of Smt. Geeta Devi towards monthly instalments for the period from November 2006 to April 2007 but he did not account for this amount and instead the amount was misappropriated and utilised by him for personal use. The charge sheet was issued alleging violation of provisions of Rule 131 (3) of Branch Office Rules and failure to maintain absolute integrity and devotion to duty as required vide Rule 21 of GDS (Conduct & Employment) Rules 2001.

3. The applicant denied the charge, therefore the enquiry was held. Six witnesses were examined by the presiding officer on behalf of the disciplinary authority and the applicant

did not examine any witness. The presiding officer presented nine documents. The enquiry officer after considering the charges levelled against the applicant and the inquiry report on 18/08/2009 concluded that the charges levelled against the applicant was found to have been proved. After considering the representation submitted by the applicant, the disciplinary authority imposed penalty of removal from employment vide memo dated 10/09/2009.

4. The delinquent employee preferred an appeal against the memo imposing the penalty of removal from employment on him. The appellate authority considered all the contentions raised by the appellant in detail and finally concluded that there is no substance in the submissions made by the appellant, that the charges against the appellant are very grave and the same have been proved. The appellate authority further held that there can be no justification for retention in job of a dishonest person like the appellant and that a just and proper punishment in such proven cases of misappropriation of government money can only be removal from employment. The appellate authority dismissed the appeal of the applicant finding that it is devoid of any merit.

5. We have examined the contentions raised in the original application, record of the inquiry officer, the orders passed by the disciplinary authority and appellate authority and also perused all the materials. We find that disciplinary authority and appellate authority have applied their mind while going

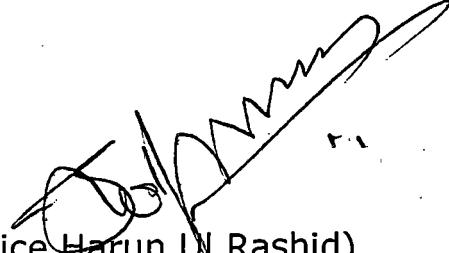
through the issues involved and in imposing the punishment of removal from employment. Both the disciplinary authority and appellate authority are of the view that it is not appropriate for retention of employee who is a dishonest person and who has misappropriated the government money and concluded that removal from service is appropriate and proper punishment is given in the circumstances.

6. In view of the limited scope of the Tribunal in the matter of disciplinary proceedings, we have examined all the contentions raised on behalf of the applicant and respondents in detail. We find that the charges levelled against the applicant are grave and the same have been proved during the inquiry and in such circumstances interference with the order under challenge is not warranted. Therefore, the original application is dismissed being devoid of merits. There is no order as to costs.



(R. Ramanujam)

Member (A)



(Justice Harun U. Rashid)

Member (J)

Vv