

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO.827/2012

Date of Order: 30.5.2016

CORAM

Hon'ble Dr. K.B.Suresh, Judicial Member

Hon'ble Ms. Meenakshi Hooja, Administrative Member

Bajrang Singh Son of Late Shri Mohan Singh, aged about 56 years, Resident of Village and Post of Beelwari (Virat Nagar), District Jaipur. Last employed as Granmin Dak Sewak (Extra Departmental), Branch Post Master Beelwari (Virat Nagar), District Jaipur (removal from employment).

..... Applicant

(By Advocate Mr. C.B. Sharma)

VERSUS

1. Union of India, through its Secretary to the Government of India, Department of Posts, Ministry of Communications and Information Technology, Dak Bhawan, New Delhi-110001.
2. Chief Post Master General, Rajasthan Circle, Jaipur-302007.
3. Director Postal Services, Jaipur Region, Jaipur-302007.
4. Superintendent of Post Offices, Jaipur (Mofussil) Postal Division, Shastri Nagar, Jaipur-302016.

..... Respondents

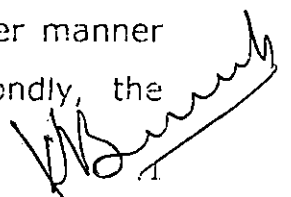
(By Advocate Mr.N.C.Goyal)

ORDER

(Per Dr. K.B.Suresh, Judicial Member)

Heard.

On two grounds the applicant has challenged his removal from service that the Inquiry has not been conducted in a proper manner and the charges have not been fully proved and secondly, the



punishment of removal from the service made by the disciplinary authority is not competent as he was not a regular appointing authority.

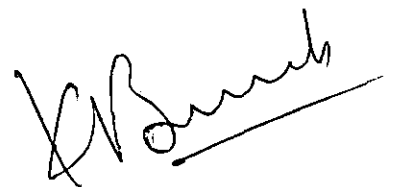
His case is that the Inquiry Officer has proved one portion of charge No.1 only which related to non-deposit of money received from customers but the money has consequently been deposited by applicant.

On query the counsel for respondents submitted that as per para 4.5 of their reply, a copy of the inquiry report and disagreement note was sent to the applicant on 23.2.2007 to submit his written representation within 15 days. After receipt of this letter, 30 days time was demanded by the applicant vide application dated 7.3.2007 to submit his representation. For this 10 days time was further allowed to the applicant to submit the representation and 15 days time was also demanded by him and finally only on 11.5.2007 he given his reply. It appears that disciplinary authority has passed the order on 14.5.2007 and, therefore, it would be not be said that the Disciplinary authority has not considered the representation of the applicant. Further on admission, the applicant says that he has subsequently paid the amount. The subsequent payment will not free him of the charge. Therefore, the applicant has not made out any case and he has availed the opportunity of hearing. The offence of ^{in frequency} frequency, twice occurring is a serious enough aspect. He has not given even a reason as to why he was forced to ^{in Commit} defalcation.

No merit in the OA. Dismissed. No costs.



(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER



(DR. K. B. SURESH)
JUDICIAL MEMBER

Adm/