

**CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH, AHMEDABAD.**

**OA No.443/2018**

**This the 11<sup>th</sup> day of September, 2018**

Vajubhai Gendalbhai Baria  
Son of Shri Gengalbhai Baria  
Age : 62 years,  
Removed Postal Assistant  
Divada Colony, Godhra.  
Residing at 21/40. Opp. H.P.High School  
Santrampur,  
District : Panchmahal 389 260 ..... Applicant

(By Advocate : Shri A.L.Sharma, Ms. H.R.Balodi)

**VERSUS**

1. Union of India,  
Notice to be served through  
Secretary, Ministry of Communication  
Dept. Of Post, Dak Bhavan, Parliament Street  
New Delhi 110 001.
  
2. The Director Postal Services  
Vadodara Region & Appellate Authority  
O/o. The Post Master General  
Vadodara 390 002.

3. The Superintendent of Post Office  
Panchmahal Division,  
Godhara – 389 001. .... Respondents

**O R D E R – ORAL**

**Per : Hon'ble Shri M.C.Verma, Member (J)**

Present : Shri A.L.Sharma, counsel for applicant.

Learned counsel for applicant while pressing for issuance of notice submitted that applicant was dismissed from service on untenable grounds by Disciplinary Authority, the appeal preferred by applicant was not considered by Appellate Authority in its proper prospect and Revision petition was also dismissed without due consideration. He refers impugned order dated 19.03.2018 passed by Revisionary Authority, which is at page 23 of the OA.

2. Considered the submission and perused the record minutely.

3. Impugned Order, dated 19.3.2018 is comprising of five paras. Para 1 & 2 , the factual aspect qua charge and whatever was represented by applicant whereas para 3 is having purported

discussion of points raised by the applicant . Para 4 speaks about reason for dismissal of Revision Petition. For sake of brevity, we reproduced herein below. Para 3 & 4 of said order :

*“3. The say of the appellant that he did not have the listed documents of prefer appeal is not though convincing, in the interest of natural justice, the delay in submission of appeal is condoned. The official himself has admitted the charges during the inquiry. The charges are so serious in nature that it warrants a very deterrent action and hence, the disciplinary authority has rightly arrived at the decision of dismissing the official from service. His pleading that his daughter's ill health and huge medical bills led him to commit the fraud is not convincing and not tenable, He should manage his personal expenditure with his legitimate source of income only and not to use the Govt. money for the personal use whatever may be the circumstances. His pleadings that there is no charge against him and order passed by the DA and upheld by the AA are without application of mind which are neither reasoned nor based on sufficient reasons, his plea is not sustainable, the DA and AA have taken each & every aspects of the case a/w relevant records and considered properly and speaking and reasoned order had passed. As per provisions of Rule-3 (1) of CCS(Conduct) Rules, 1964, every Govt. servant is required to maintain absolute integrity at all times during his services, which will make him eligible to continue in service for rest of years. Besides this, every Govt. servant is abide by law to follow the procedure prescribed under various rules and procedures framed by the Department of Post. In this case, the appellant not only committed breach of rules but also committed breach of trust of customers having faith in post office and doing transactions at post offices counters. The admittance of*

*charges leveled against the appellant and credit of defrauded amount voluntarily by him establishes his role in Divda Colony PO fraud case, The appellant prays for mercy on the grounds of family circumstances after committing fraud for a pretty long period, The appellant could have managed his personal affairs from other legal source instead including in misappropriation of Govt. money for his personal use.*

*4. The revision Petition of Shri V.G.Baria, EX.PA Divda Colony PO under Godhra HO has been carefully considered in this Office w.r.t. relevant records and facts of the case. It is observed that the petitioner was provided adequate opportunity to justify and explain his misconduct which led to imposition of the said penalty. No procedural irregularity or technical infirmity has been noticed in the proceedings. The petitioner has not produced any new material or evidence which may have the effect of changing the entire complexion of the case. Most of the points raised by the petitioner have already been considered by the disciplinary authority. He has committed a serious irregularity. The punishment awarded by the disciplinary authority cannot be said to be excessive looking to the gravity of the offence on his part.”*

4. It was one of the main ground of applicant that he was not granted proper opportunity to defend him. It is observed in Para 4 that applicant was provided adequate opportunity to justify and explain his misconduct, but surprisingly, there is not an iota of material or even whisper about the details. How this contention of applicant was reconciled by Revisionary Authority is not illustrated by Order passed by him.

5. Impugned order illustrates the possibility that Revisionary Authority might have swayed by the Order of Appellate Authority and this is evident from this fact that in Para 4 the Revisional Authority has heavily stressed that *the petitioner has not produced any new material or evidence which may have the effect of changing the entire complexion of the case.* All, from perusal of impugned order reflects that the case of applicant, by Revisionary Authority was dealt with in casual and cursory manner.

6. In view of the above, it appears that it would be if in interest of justice, Revisional Authority be directed to pass speaking order. The impugned order dated 19.3.2018 of respondents thus is quashed, with direction to pass afresh, a speaking reasoned order.

7. The OA thus is disposed of and the matter is remanded back to Revisional Authority, who shall pass speaking order within two months from the date of receipt of copy of this order, after going through all relevant documents and materials and the decision so taken shall be communicated to the applicant within two weeks thereafter.

8. With aforesaid direction, OA stands disposed off at this stage of notice itself. No order as to cost.

**(M.C.Verma)**  
**Member (J)**

**(Archana Nigam)**  
**Member (A)**

nk