

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00097/2016

DATED THIS THE 13th DAY OF OCTOBER 2017

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI PK.PRADHAN MEMBER(A)

S.J.Talwar,  
Aged 32 years,  
S/o Jummanna Talwar,  
Ex GDS BPM,  
Anchali BO,  
a/w Korawar SO,  
Resident of Anchali Village,  
Sindagi Taluk,  
Bijapur Dt.

....Applicant

(By Advocate Shri B.Venkateshan)

vs.

1.The Union of India,  
Represented by  
Secretary, Department of Posts,  
Dak Bhavan,  
New Delhi – 110 001.

2.The Director of Postal Services,  
North Karnataka Region,  
Dharwad 580001.

3.The Sr. Superintendent of  
Post Offices, Gulbarga Division,  
Gulbarga 585101.

...Respondents.

(By Shri M.Rajakumar.. SCG Counsel)

O R D E R (ORAL)

HON'BLE DR. K.B. SURESH, MEMBER(J)

1. Heard. The matter is in a very short compass. Apparently, applicant while working as BPM had directly and without intimation slip which is normal in circumstances, delivered 4 Money Orders to persons allegedly by this time had passed away. His case is that the original complainants in this regard were not examined. Therefore, with the help of both the counsel we had gone through the enquiry report and found that in fact all of them were examined and who was not examined was the alleged witnesses on the payment form. These are the witnesses of the applicant himself and he could have given a list of witnesses and asked for their examination. In short, he could have produced them himself, we don't think that even if they are produced, since it is admitted that original recipients are already dead by that time the concerned persons who ought to have received the Money Orders had passed away. Then no purpose will be served by examining those people who can at best can come and say that these were alive at that time. Shri B.Venkateshan now raised a question that death certificate was also not produced. Nothing prevented him from producing the death certificate, if it would prove otherwise, if it forms part of defense system and under the normal evidence that who has the best evidence should produce it. If, the

applicant's case is that those people have not died at all was open to him to produce the death certificate of the concerned persons before the Enquiry Officer if their deaths were subsequent or if they are still alive produce them as well.

2. We find that all opportunities have been given to the applicant and also note that because of great volumes in postal services that quantum of money is not the only important thing. Only after a thousands of infractions take place one infraction will come to light because of the volume. It is beyond reconciliations even though attempts may be made to do so. Therefore, there must be strict implementation of the rules. That being so there is no merit in the contentions of the applicant. OA is dismissed. No order as to costs.

(PK.PRADHAN)  
MEMBER(A)

(DR. K.B. SURESH)  
MEMBER(J)

bk.

**Annexures referred to by the applicant in OA No. 170/00097/2016**

**Annexure-A1:** Copy of Memo F1/IP Sdg.MO Frauds/Hanchali/2012-13 dated 6.12.2012.

**Annexure-A2:** Copy of SPOs Memo No. F73/A/2012-13 dated 17.10.2012.

**Annexure-A3:** Copy of SPOs Memo No. F3/4/2012-13 dated 29.5.2013.

**Annexure-A4:** Copy of PMG NK.Rgn. NKR/STA-4/268/2014 dated 28.8.2014.

**Annexure-A5:** Copy of SPOs Order No. F3/4/2012-13 dated 10.7.2013.

**Annexure-A6:** Copy of SPOs Order No. F3/4/2012-13 dated 10.7.2013.

**Annexure-A7:** Copy of IP,BJP,Memo No.IO/SIT/2/3 dated 9.6.2014

**Annexure A8:** Copy of IOs Inquiry Report, dated 5.7.2014

**Annexure A9:** Copy of Defence brief dated 5.7.2014 of the applicant

**Annexure A10:** Copy of reply dated 5.7.2014 against arbitrary action of IO.

**Annexure-A11:** Copy of Applicant's representation dated 9.7.2014 to SPOs

**Annexure-A12:** Copy of IOs Inquiry Report, dated 1.8.2014

**Annexure-A13:** Copy of Applicant's representation dated 27.9.2014 to SSPOs

**Annexure-A14:** Copy of SSPOs Lr.F/ADA-1/2014 dated 9.12.2014.

**Annexure-A15:** Copy of Applicant's appeal dated 20.12.2014

**Annexure-A16:** Copy of DPS NK.Rgn. Memo No.NKR/STA-4/899/2015 dated 18.8.2015.

**Annexures with additional reply statement:**

Annexure R-1A: True copy of the English version of public complaint dated 22.8.2012.

Annexure R-1B: True copy of the English version of public complaint dated 25.8.2012.

Annexure R-2: True copy of the English version of statement given by applicant dated 21.12.2012.

Annexure R-3: True copy of the order copy regarding powers of the Circle, exercising powers for awarding penalties.

Copy of Hon'ble Apex Court verdict reported in 2015 (2) SCC 341 filed by Diwan Singh vs LIC of India decided on 5.1.2015.