

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO. 170/00798/2016

DATED THIS THE 17TH DAY OF OCTOBER, 2017

HON'BLE DR. K.B. SURESH, MEMBER (J)
HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

Nagaraj,
(Under Put Off Duty)
Son of Late Dodda Eranna,
Aged about 37 years,
Gramin Dak Sevak Branch Postmaster,
Athanur Branch Post Office,
A/w Kalmala Sub Post Office,
Kalmala – 584 136,
Raichur District
Residing at Athanur Village,
Manvi Taluk,
Raichur District – 584 136.

.....Applicant

(By Advocate Shri Fayaz Sab)

Vs.

1. The Chairman,
General Post Office,
Rajbhavan Road,
Bangalore – 560 001.

2. The Director of Postal Services,
North Karnataka Region,
Dharwad – 580 001.

3. Superintendent of Post Offices,
Raichur Division,
Raichur – 584 102.

4. Inquiry Officer & Assistant

Superintendent of Posts (HQ)
Office of the Superintendent of Post Offices,
Raichur Division,
Raichur – 584 102.

5. The Post Master,
Raichur Head Post Office,
Raichur – 584 101.

....Respondents

(By Shri M. Rajakumar, Senior Central Government Counsel)

ORDER (ORAL)

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

The applicant would submit that he had been appointed on compassionate grounds as GDS BPM. The allegation against him is that he had collected on several occasions amounts coming to about Rs.40,000/- and on each day he will deposit about Rs.1,000/- or so on several occasions. The methodology used by him is that while giving the receipt to the deposit, the amount will not be shown in the post office journal and therefore the government lost all this money. Apparently he would say that the respondents while passing impugned the orders dated 22.06.2015 and 04.05.2016 failed to appreciate that Smt Nagamma, SW2 depositor of SB Account No. 621950 stated in Exp-4/1 that she had made deposits of Rs.40,000/- Rs.25,000/- and Rs.5,000/- on 01.05.2009, 02.06.2009 and 24.03.2010 but she has denied the statement Exp-4/1 and Exp-4/2. The SPOs in the proceedings mentioned that Smt Nagamma is telling a lie to help the applicant as she is a close relative of him. Smt Nagamma was actually not present in the spot on 03.08.2010 while recording the statement. He would claim that somebody had affixed her thumb impression on the statement written in the name of Smt Nagamma and all these aspects of the matter was not considered in detail by the respondents.

2. Relating to Exp-4/1 by K.S. Eranna at Kalmala, Shri Dinakar the ASPO sent Shri Jagannath Rao to take the thumb impression of Smt Nagamma to Athanur BO as she was not present at the time of recording the statement. Shri Eshwarappa was only available at Athanur on 03.08.2010 and M.O. took his signature on the statement Exp-3/1 written by K.S. Eranna in the name of Eshwarappa as Smt Nagamma was not in station and she had gone to Khanapur Village to visit her father's house.

3. Bu then all this statement could have been proven if the applicant had examined all these people as his witnesses. It has come out through evidences and documents that in fact the applicant has received all these amounts as in charge of the post office but had failed to remit the amount on any of the succeeding days let alone on the very same day itself to the postal account. Therefore misappropriation of funds by the applicant is clearly proven and therefore there is no ground to hold that the applicant may not be guilty at all.

4. The another challenge put forth by the applicant is that the respondents need to be a model employer and treat its employees in a very humane way also. He would say that principle of equality before law and equal protection should be followed scrupulously. He had not mentioned with whom he is claiming equality and why and how he was denied equal protection of the laws. He would say that inquiry was conducted contrary to provision of law but what provision of law was breached while conducting the enquiry against him is not stated anywhere.

5. Anyhow, we find that the whole process was done properly with due notice and opportunity for defence given to the applicant. We had examined the evidence also to find whether any benefit could be granted to the applicant. We are of the view that there is no doubt about the culpability of the applicant. Therefore disengagement order is correct and upheld.
6. There is no merit in the OA. The OA is dismissed. No order as to costs.

(PRASANNA KUMAR PRADHAN)
MEMBER (A)

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

/ksk/

Annexures referred to by the applicant in OA No. 170/00798/2016

Annexure A1: True copy of Memo No. F4/2/2010-11 dated 24.01.2011

Annexure A2: True copy of Articles of Charges framed against the applicant

Annexure A3: True copy of Presenting Officers Report No. LGSR/KMM/IP/PO-01/INQ/2014 dated 04.10.2014

Annexure A4: True copy of Inquiry Officers Report No. PVD/INQ/IO-1/2014 dated 21.01.2015

Annexure A5: True copy of written submission of the applicant against the Articles of Charges

Annexure A6: True copy of Memo No. F4/2/2010-11 dated 22.06.2015

Annexure A7: True copy of Appeal dated 30.07.2015 by the applicant addressed to the Director of Postal Services

Annexure A8: True copy of Memo No. NKR/STA-4/928/2016 dated 04.05.2016

Annexures referred in reply statement
Nil

Annexures referred in rejoinder

Nil

Annexures referred in additional reply statement

Annexure R1: True copy of claim application dated 28.08.2010 of Smt Nagamma, SB Ac No. 621950

Annexure R2: True copy of PMG, North Karnataka Region, Dharwad, Memo No. NKR/INV/825/10 dated 11.10.2011
