

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

**OA No. 060/00368/2017  
MAs No. 503/18 & 506/18**

**Pronounced on : 10.04.2018  
Reserved on : 02.04.2018**

**CORAM: HON'BLE MR.SANJEEV KAUSHIK, MEMBER(J)  
HON'BLE MRS.P. GOPINATH, MEMBER(A)**

Gurmukh Singh S/o Sh. Jawala Singh, aged 55 years, Post Master Grade - 1, Post Office, Sector 18, Chandigarh – 160 018.

.....Applicant  
BY: **Sh. Rohit Sharma**

VERSUS

1. Union of India through the Secretary to the Government of India, Ministry of Communications & Information Technology, Department of Posts, New Delhi.
2. Director Postal Services, Punjab West Region, Sector 17, Chandigarh - 160 017.
3. Chief Postmaster General, Punjab Circle, Sector 17, Chandigarh - 160 017.
4. Senior Superintendent of Post Offices, Chandigarh Division, Chandigarh-160 017.

.....Respondents  
BY ADVOCATE: **Sh. Ram Lal Gupta**

**ORDER**

**HON'BLE MRS. P. GOPINATH, MEMBER(A):-**

1. Applicant working as Postmaster, Satnampura Sub Post Office, was issued a charge sheet on 23.01.2014 under Rule 16 of CCS (CCA) Rules, 1865 for non-preservation of record related to a fraud case. Applicant was issued a penalty of censure on 22.04.2014. Applicant filed an appeal and the Appellate Authority

enhanced the punishment to withholding of one increment for one year without cumulative effect. Revision petition filed by applicant on 09.04.2015 against the enhanced penalty was rejected.

2. Relief sought by the applicant is for quashing Annexure A-1, Punishment order, A-2 Appellate Order and A-3 Revisionary order.

3. Respondents in the written statement submit that the applicant was a Grade 1 Post Master Satnampura Sub Post Office in account with Phagwara H.O. in Kapurthala Division. Satnampura Sub Post Office had ten Branch Post Offices under it. The applicant was proceeded under Rule 16 of CCS (CCA) Rules, 1965. The statement of imputation of misconduct issued is for weeding out record related to a fraud case of Khajurla Branch Post Office in account with Satnampura Sub Post Office in violation of Rule 218-A of Postal Manual Volume V. The applicant is also charged for failing to maintain devotion to duty and action in violation of Rule 3(i), (ii) and 3(1)(iii) of CCS (Conduct) Rules, 1964.

Rule 218-A of Postal Manual Volume V reads as under:-

**“218-A. Preservation of records, etc.—**Offices dealing with irregularities or complaints involving pecuniary claims should ensure that all relevant records, including those kept in the audit office, are requisitioned and preserved till the investigation is finally completed.”

4. The applicant while working as Sub Post Master, weeded out the records related to Branch Post Office on 21.06.2013, including the records relating to misappropriation case of Khajurla Branch Post Office. In response to the charge sheet, the applicant

submitted his defence. Applicant submits that he joined the Post Office as Post Master in December, 2011 and admits to having weeded out the record related to the period of misappropriation by Branch Post Office, which was in account with his Sub Post Office. The only defence he gives is that the weeding out of record was related to the period before his joining Satnampura Post Office.

5. Applicant's argument in support of his weeding out records appears to be that the inquiry of the fraud case was completed by ASP, Phagwara Sub Division and the whole amount of fraud was recovered from the main offender of the case. He also takes the plea that he had not received any orders for preserving the record. Applicant also argues that the Post Master General, Punjab while inspecting his office, had directed him to weed out old records. What applicant fails to appreciate is that weeding of records was subject to Rule 218-A of Postal Manual Volume V which directs preservation of records relating to fraud case. Till the fraud case is closed, the related records cannot be weeded out as it would amount to weeding out of evidence relating to the fraud case. Applicant's main argument that he had not received any orders for preserving the record related to the fraud case, and that he did not have any knowledge of the requirement for preservation of record related to a fraud case, falls flat because as a Post Master he is expected to have knowledge of rules relating to frauds in Post Offices and preservation of records relating to fraud case.

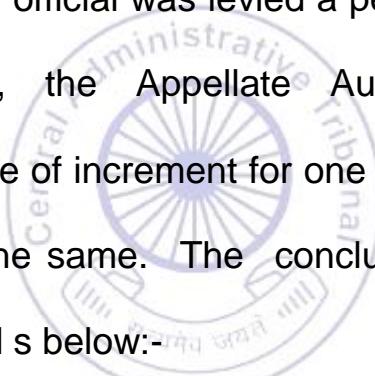
6. Applicant was a Grade 1 Post Master, in charge of a Sub Post Office. A vigilant Post Master on taking over in any Post Office with several Branch Post Offices under his jurisdiction is required to have knowledge of any fraud case under his jurisdiction for which preservation of records is necessary both as evidence and mandatory document to be produced in the course of inquiry and prove the charge either in a departmental inquiry or in a police inquiry. Since the case related to defalcation of Government money by a Branch Post Master under the jurisdiction of applicant, the registration of a police case would also have been mandatory together with production of record related to a fraud case.

7. Expressing lack of knowledge about this procedure would hardly come to the rescue of the applicant. Any inspecting officer's direction to weed out records would have been subject to provision as cited in Rule 218-A and would not include any violation of Rule 218-A of Postal Manual Volume V which requires that officers dealing with irregularities involving pecuniary claims should ensure that all relevant records are preserved till the investigation is finally completed. Whereas the inquiry into the fraud case may have started during the time of his predecessor, applicant has not received any instructions to weed the preserved records of the fraud case as required under Rule 218-A. The direction of the visiting officer for weeding out record should have been implemented and restricted to those records, other than that directly connected with the fraud case under inquiry. As a matter of fact, the weeding out of the relevant

records of the fraud case would actually raise a suspicion about the applicant's attempt to save the Branch Post Master who would not be proceeded against if no record related to the fraud case were available.

8 Further, the respondents bring to notice that the Divisional Level Inquiry (DLI) into the fraud case was conducted on 11.04.2014, whereas the applicant took the liberty to destroy the records on 21.06.2013, much before the DLI was concluded. This also reflects on the careless attitude of the applicant in conducting his official work.

9. Though the official was levied a penalty of censure by the Disciplinary Authority, the Appellate Authority enhanced the punishment to stoppage of increment for one year and the Revisional Authority maintained the same. The conclusion of the Disciplinary Authority is reproduced s below:-

The logo of the Central Administrative Tribunal (CAT) is a circular emblem. It features a central emblem of India (Lion Capital of Ashoka) surrounded by the text "CENTRAL ADMINISTRATIVE TRIBUNAL" in English and "संघ नियन्त्रण न्यायालय" in Hindi. The entire emblem is set against a blue background with a white border.

“As regards applicability of rule 218-A of Postal Manual Volume V is concerned, it is fully relevant to the instant case. It is equally applicable to all the offices involving upkeep and maintenance of all preserved records including the Postmaster Grade 1 Satnampura also. He is misinterpreting this rule in his representation by saying that it does not prohibit any official to weed out the records.

Keeping in view the above facts, it is clear that the said Gurmukh Singh Postmaster Grade 1, Satnampura acted in a very irresponsible manner and to escape his responsibility, he has thrown all the responsibilities over the shoulders of others regarding preservation of records relating to fraud case. Being an in charge of the office he was required to preserve the relevant record. As any formal instructions of any Inspecting/Visiting officer for weeding out the record does not permit him to weed out the record relating to any fraud case. Hence, such an irresponsible/careless action of Sh. Gurmukh Singh deserves to be dealt with severely but taking a lenient view this time, it is ordered that penalty of Censure is awarded

to said Sh. Gurmukh Singh with the hope that he will improve his work in future.”

The above is a speaking order and does not require to be interfered.

10. The Appellate Authority while disposing of the appeal has discussed in detail the various submissions made by the applicant in para 4(i) (ii) (iii) and para 5 of the Appellate Order, and drew the conclusion that the penalty imposed was not adequate and enhanced the same to withholding of increment for one year without cumulative effect.

11. **The Revisionary Authority also has discussed in para 5(i) (ii) and (xiv) of the Revision order dated 30.06.2016, the various contentions raised by the applicant and arrived at conclusion that the arguments made by the applicant was not sustainable or maintainable and that there was no reason to intercede in the enhanced penalty of withholding one increment for one year without cumulative effect.**

12. The fraud case for which applicant was proceeded against related to the Post Master, Khajrula Branch Post Office who had misappropriated the amount of life insurance premium deposits made by members of the public in the rural area in respect of their Rural Postal Life Insurance policies for the period 30.04.2004 to 18.05.2011. Such amounts of insurance premium made by the rural public to the Post Office was defrauded by the Branch Post Master and not deposited into the Government account. This was a serious case of defrauding public money for seven years. Hence, the

applicant should have preserved the record by which such defrauding of public money would have produced as evidence against the fraudster. The applicant took such defrauding of public money lightly and destroyed the record which reflects adversely on the seriousness he attaches to the public who rely on the Post Office for the Rural Life Postal Insurance Scheme.

13. This was a case where Branch Post Master played with the trust of the residents of the village who had taken a life insurance with the respondent department through the Branch Post Master. Such defrauding by the Branch Post Master should not have been taken lightly. Judicial review is not an appeal from a decision, but a review of the manner in which the decision is made. When an inquiry is conducted on charges of misconduct, fraud or non-performance of duty by a public servant, the Tribunal is concerned with whether the inquiry was held by a competent authority, whether the rules of natural justice are complied with, whether the findings or conclusions are based on some evidence, and the person conducting the inquiry had reached a finding of fact or conclusion meriting action by the disciplinary/appellate/revisionary authority. The Tribunal does not act in a manner as to re-appreciate the evidence or arrive at its own independent finding. If the conclusion of finding is one such as a reasonable person would have reached, the need for interference would not arise, as we hold in this OA. Adequacy or reliability of evidence is not a matter which can be canvassed before the Tribunal,

but before the Inquiry Officer which opportunity the applicant has already availed.

14. Taking stock of the aforesaid facts and circumstances, we are of the view that there is no need to interfere with the findings of the disciplinary authority or the decision of the appellate/revisionary authority. We also do not think that the punishment awarded to the applicant is disproportionate to the gravity of the delinquent act or is against the principles of proportionality.

15. OA is dismissed accordingly. MAs No. 503/18 & 506/18 are also disposed of accordingly. No costs.



**(P. GOPINATH)  
MEMBER (A)**

**(SANJEEV KAUSHIK)  
MEMBER (J)**

Dated: 10.04.2018  
**ND\***