

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/664 OF 2011
Cuttack, this the 25th day of May, 2018

CORAM
HON'BLE MR. S. K. PATTNAIK, MEMBER (J)

.....
Shri Harischandra Samal,
Son of Late Nilamani Samal,
At/Post-Gogua, Via-Thakurpatna,
Dist-Kendrapara
at present working as GDSBPM
of Gogua Branch Post Office
in account with Thakurpatna Sub Post Office
in the District of Kendrapara.

...Applicant

(By the Advocate- M/s. G. Rath, S. Rath, B. K. Nayak-3, D. K. Mohanty)

-VERSUS-

Union of India Represented through

1. Director General of Posts, Ministry of Communication, Department of Posts, Dak Bhawan, New delhi-110001.
2. The Chief Postmaster General, Orissa Circle, Bhubaneswar, Dist-Khurda.
3. The Superintendent of Post Offices, Cuttack North Division, Cuttack, PIN- 753001.
4. Shri Krutibas Behera, Sub Postmaster, Thakurpatna Sub Post Office, Dist-Kendrapara.

...Respondents

(By the Advocate- Mr. D. K. Mallick)

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ORDER

S. K. PATTNAIK, MEMBER (J):

In a second round litigation, the applicant seeks quashing of rejection order dated 25/31.05.2011. Applicant also seeks for a direction to refund of Rs. 14,000/- deposited by him along with cumulative interest @ 18% per annum. The applicant has also prayed for a direction to the Respondents to start departmental proceeding against the Respondent No.4.

2. On going through the speaking order, the synopsis may be summarized as follows:

- i. *The cash remittance of Rs. 14,000/- was sent to Gogua B.O. on 14.01.2018 by Sub Postmaster, Thakurpatna Sub Post Office duly entered at B.O. slip dated 14.01.2018, which was received by the applicant.*
- ii. *The applicant in the capacity of BPM failed to make report to any higher authority regarding the mishap, i.e regarding non-receipt of cash remittance of Rs. 14,000/- on the date of its receipt and remained silent for months together.*
- iii. *No error extract for the day on 15.01.2008 regarding non-receipt of cash remittance from account office was written by him. He failed to follow the departmental guidelines and procedures.*
- iv. *The applicant failed to check B.O. slip on the day of receipt although there was entry of cash remittance.*
- v. *The applicant failed to seize seal and cord of the bag. Though it was too late the seal and cord of the B.O. bag has not been preserved by him.*
- vi. *The applicant made good the amount from his pocket.*

3. In the case of this nature, if the applicant had not received the cash remittance he should have immediately reported on 15.01.2008. The applicant has not enclosed a single document putting forth his grievance of non-receipt of cash on 15.01.2008. That apart, if the applicant had not received any cash there was hardly any occasion for him to deposit the cash of Rs. 14,000/-. The applicant himself claims to have deposited the amount on 18.01.2008. Though, the applicant claims that he has deposited the amount under Annexure-A/1 but on verification it is found that it is an R.T.I. application regarding non-refund of the amount of credit of Rs. 14,000/- on 18.01.2008 at Gogua B.O. Even the applicant could have made representation on 18.01.2008 that even though he had not received the cash to avoid allegation of misappropriation, he had deposited the cash, which he did not do. The first representation the applicant made is dated 07.06.2008 (Annexure-R/2) and by then it was too late to inquire and come to a conclusion. A non-receipt of cash that took place in the month of January, 2008 cannot be inquired by an application filed in the month of June, 2008. Had the applicant shown a single scrap of paper informing his higher authorities about non-receipt of cash on 15.01.2008, the matter could have been different and also could have been inquired by the Postal Department. Since, there was some correspondence pointing to the suspicious conduct of Respondent No.4, applicant was emboldened to file present O.A. in 2011 (OA No. 664/2011). The question is what the applicant was doing from 2008 to 2011. That apart, on the application of the applicant,

disciplinary proceeding cannot be initiated against another co-employee as it is the prerogative of the higher officials. Since, there is nothing wrong in the impugned order, no interference is called for. Hence ordered.

4. O.A. being devoid of merit is dismissed. No costs.

(S.K.PATTNAIK)
Member (Judl.)

RK