

CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

**O. A. No. 260003082014**

Cuttack, this the 22<sup>nd</sup> day of February, 2018

CORAM

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

**HON'BLE DR. M. SARANGI, MEMBER (A)**

.....

Padmalochan Panda,  
aged about 57 years,  
Son of Late Daitari Panda,  
At. Gud, P.O. Anantapur,  
Dist: Balasore.

...Applicant

(By the Advocate-Mr. S. C. Das)

-VERSUS-

**Union of India Represented through**

1. Secretary-cum- Director General of Posts, Dak Bhawan, New Delhi-110001.
2. Chief PMG, Odisha Circle, Department of Posts & Telegraph, Bhubaneswar, Dist-Khurda.
3. The Supdt. Of Post Offices, Department of Post, Balasore Division, At/PO/Dist-Balasore.
4. Director of Postal Services, (HQ), O/o CPMG, Odisha Circle, Bhubaneswar, Dist- Khurda(Odisha).

...Respondents

(By the Advocate- Mr. S. K. Patra)

.....

**ORDER**

**Mr. S. K. Pattnaik, MEMBER (J):**

The applicant challenges the order of the Disciplinary Authority dated 11.12.2012 (Annexure-A/4) and order of Appellate Authority dated 06.08.2013 (Annexure-A/6). Earlier, the applicant had approached this Tribunal by filing O.A. No. 621/13 challenging the said order and being directed by the Tribunal vide order dated 10.01.2014, the Director of Postal Services(HQ) vide order dated

24.03.2014 has upheld the order of removal from service passed by the Disciplinary Authority. Hence, this O.A.

2. This being a second round litigation, we straightway proceed to examine the correctness of the speaking order dated 24.03.2014, which is impugned in this O.A. along with earlier orders.

3. The applicant while working as GDSBPM, Gud, BO in account with Anantapur, SO during the period from 01.12.1981 to 01.12.2006 had committed several fraud. On being detected, disciplinary proceeding was initiated vide charge memo dated 25.10.2007 with six article of charges for various defalcation in different passbooks. The Disciplinary Authority after due inquiry found about the misappropriation and about making fraudulent withdrawals from different accounts and ultimately passed order of removal from service, which was earlier upheld by the Appellate Authority vide dated order 06.08.2013 under Annexure-A/6 and subsequently, after directions by the Tribunal, the said Appellate Authority vide order dated 24.03.2014 again upheld the order of the Disciplinary Authority.

4. In a case of this nature it may be reiterated, at the outset, that this Tribunal does not act as an Appellate Authority and it can interfere only when there is violation of natural justice, or infraction of any service rules or procedures.

5. Ld. Counsel for the official respondents Mr. S. K. Patra has placed reliance on a decision of Hon'ble High Court of Orissa reported in **2011 (Supplementary-II) OLR-601 Vs. Bijay Kumar Singh and Union of India.** While disposing the writ petition, Their Lordships after taking into consideration all the facts have observed that the punishment is not disproportionate to the charge alleged and

infringes standard of honesty and integrity required from a public servant. On the point of punishment, Their Lordships observed that when it is not shockingly disproportionate, no interference is called for.

6. In the instant case, article of charges I to IV are very specific about not reflecting Rs. 400/-, 1000/-, 4000/-, 5000/- in different saving bank accounts. Under article V, there is an allegation of not reflecting the deposits of Rs. 7000/-, 5000/-, 5500/-, 3500/-, 3000/-, 5000/-, 2000/-, 1000/-, 6000/-, 1000/-, 3000/-, 4000/- and 4000/- dated 01.04.03, 23.03.04, 27.04.04, 17.11.04, 12.02.05, 12.04.05, 19.05.05, 24.06.05, 28.11.05, 27.12.05, 04.03.06, 08.04.06 and 01.05.06 respectively in the savings bank account of the depositors. Likewise under article VI, there is an allegation of not reflecting saving bank withdrawals of Rs. 5000/-, 4000/-, 10,000/-, 10,000/- and Rs. 20,000/- in the saving bank journals in the Gud Branch Office on 29.08.2003, 22.12.2003, 31.08.2004, 05.09.2005 and 28.08.2006 respectively.

7. All these irregularities and fraud committed by the applicant proves his misconduct and gross impropriety. There is absolutely no explanation about such omission and misappropriation. When the charges are grave and reputation of the Post Office is at stake, removal is the only punishment that can be imposed, which has been done in the instant case and hence no interference is called for.

8. In view of the discussions made above, the O. A being devoid on merit is dismissed. No costs.

(Dr. M. Sarangi)  
Member(Admn.)

(S. K. Pattnaik)  
Member (Judl.)





