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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

ORIGINAL APPLICATION NO. 290/00453/2015
WITH MISC. APPLICATION NO. 290/00230/15

JODHPUR, THIS THE 2ND DAY OF JANUARY,

2018

CORAM

HON'BLE MR. PRASANNA KUMAR PRADHAN, ADMINISTRATIVE MEMBER
HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER

KRISHAN GOPAL S/O SHRI BADAJI BORANDA, AGED ABOUT 55 YEARS, B/C
BARANDA (ST), R/O VILL + PO MANDOWA, DISTRICT – DUNGERPUR.
(OFFICE ADDRESS:- WORKED AS GDSBPM AT MANDOWA POST OFFICE,
POSTAL DEPARTMENT)

.....APPLICANTS

BY ADVOCATE:- MR S.P. SINGH.

VERSUS

1. UNION OF INDIA THROUGH THE SECRETARY, GOVT. OF INDIA,
MINISTRY OF COMMUNICATION, DEPARTMENT OF POST, DAK BHAWAN,
NEW DELHI.
2. POSTMASTER GENERAL, RAJASTHAN SOUTHERN REGION, AZMER.
3. DIRECTOR, POSTAL SERVICES, O/O POSTMASTER GENERAL, RAJASTHAN
SOUTHERN REGION, AZMER.
4. SUPERINTENDENT OF POST OFFICES, DUNGERPUR DIVISION,
DUNGERPUR-314001.

.....RESPONDENTS

BY ADVOCATE : MR K.S. YADAV.

ORDER

PER PRASANNA KUMAR PRADHAN, MEMBER(A)

THE PRESENT ORIGINAL APPLICATION HAS BEEN FILED
AGAINST THE PENALTY OF DISENGAGEMENT FROM SERVICE IMPOSED BY
THE DISCIPLINARY AUTHORITY AND CONFIRMED BY THE APPELLATE
AUTHORITY.

2. THE APPLICANT WAS WORKING AS GDS BPM MANDOWA POST

OFFICE. IT REPORTED THAT WHEN THE MAIL OVERSEER VISITED THE POST OFFICE, THE APPLICANT WAS NOT PRESENT IN THE POST OFFICE AS HE WAS ADMITTED IN THE HOSPITAL. THE APPLICANT WAS CALLED AND THE MAIL OVERSEER FOUND SHORTAGE OF CASH OF RS 6713/-.

ACCORDING TO THE APPLICANT, HE KEPT THE MONEY IN THE CUSTODY OF HIS WIFE AND ON RETURNING FROM THE HOSPITAL, THE CASH WAS HANDED OVER TO THE MAIL OVERSEER BUT HE REFUSED TO TAKE THE SAME. THE SAID AMOUNT WAS DEPOSITED UNDER UCR AFTER 12 DAYS AND AN INTEREST OF RS 49/- ALSO CLAIMED BY THE RESPONDENTS. INSPITE OF THIS, THE RESPONDENTS ISSUED A CHARGE MEMO AGAINST THE APPLICANT ON CHARGE OF TEMPORARY MISAPPROPRIATION OF FUNDS AND ALSO ANOTHER CHARGE OF PERSONAL USE OF MO OF RS 1000/-. ON DENIAL OF CHARGES BY THE APPLICANT, THE INQUIRY OFFICER WAS APPOINTED AND DURING THE INQUIRY, CHARGES WERE HELD AS PROVED. ON CONCLUSION OF THE PROCEEDINGS, THE DISCIPLINARY AUTHORITY IMPOSED THE PENALTY OF REMOVAL FROM THE ENGAGEMENT VIDE MEMO 09.01.2013. AGAINST THE SAID ORDER, THE APPLICANT PREFERRED AN APPEAL BEFORE THE APPELLATE AUTHORITY, WHICH WAS PARTIALLY ACCEPTED. THE APPELLATE AUTHORITY REMITTED THE MATTER TO THE DISCIPLINARY AUTHORITY TO DECIDE THE MATTER AFRESH FROM THE STAGE OF FLING OF REPRESENTATION BY THE APPLICANT AGAINST THE INQUIRY REPORT. THE DISCIPLINARY AUTHORITY CONSIDERED THE MATTER AGAIN AND AWARDED THE PENALTY OF REMOVAL FROM ENGAGEMENT ON THE APPLICANT VIDE MEMO DATED 07.08.2013. AGAINST THE SAID ORDER, THE APPLICANT MADE AN APPEAL TO THE APPELLATE AUTHORITY AND APPELLATE AUTHORITY UPHELD THE ORDER OF DISCIPLINARY AUTHORITY VIDE ORDER DATED 30.05.2014. THEREAFTER, THE APPLICANT FILED REVISION PETITION AGAINST THE ORDERS DATED 07.08.2013 AND 30.05.2014 PASSED BY THE DISCIPLINARY AUTHORITY AND APPELLATE AUTHORITY RESPECTIVELY, BEFORE THE COMPETENT AUTHORITY, I.E. CPMG, JAIPUR ON 10.08.2015. THE REVISION PETITION IS STILL PENDING CONSIDERATION.

3. THE APPLICANT HAS FILE MA NO. 290/00230/15 SEEKING CONDONATION OF DELAY OF 04 MONTHS AND 18 DAYS. WE HAVE CONSIDERED THE GROUNDS ADVANCED BY THE APPLICANT SEEKING CONDONATION OF DELAY AND ACCEPT THE SAME. ACCORDINGLY, THE DELAY STANDS CONDONED.

4. DURING THE COURSE OF HEARING, LEARNED COUNSEL FOR BOTH THE SIDES ADMITTED THE FACT THAT THE REVISION PETITION IS STILL PENDING CONSIDERATION. BOTH THE LEARNED COUNSELS AGREED THAT THIS MATTER CAN BE DISPOSED OF BY GIVING A DIRECTION ON THE REVISIONARY AUTHORITY TO DISPOSE OF THE REVISION PETITION FILED BY THE APPLICANT WITHIN A SPECIFIC TIME FRAME.

5. CONSIDERING THE SUBMISSIONS MADE BY BOTH SIDES, WE ARE INCLINED TO DISPOSE OF THE PRESENT OA WITH THE DIRECTION ON THE REVISIONARY AUTHORITY, I.E. CPMG, JAIPUR TO CONSIDER AND DISPOSE

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OF THE REVISION PETITION FILED BY THE APPLICANT AGAINST THE ORDER DATED 07.08.2013 PASSED BY THE DISCIPLINARY AUTHORITY AND ORDER DATED 30.05.2014 PASSED BY THE APPELLATE AUTHORITY BY PASSING A REASONED ORDER WITHIN A PERIOD OF ONE MONTH FROM THE DATE OF RECEIPT OF A COPY OF THIS ORDER.

6. THE OA IS ACCORDINGLY DISPOSED OF IN TERMS OF ABOVE DIRECTION. NO ORDER AS TO COSTS.

**(SURESH KUMAR MONGA)
PRADHAN)**

(PRASANNA KUMAR

**MEMBER (J)
MEMBER (A)**

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