

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA

OA/050/00148/2018

Reserved on: 20.07.2018

Date of Order: 30.08.2018

C O R A M

HON'BLE MR. K.N. SHRIVASTAVA, MEMBER (A)
HON'BLE MR. JAYESH V. BHAIKAVIA, MEMBER(J)

Dina Nath Prasad Sah S/o late Dukhit Sah, resident of Mohalla-Kamal Prasad Lane, Diwan Road, District-Muzaffarpur, at Present employed as SPM at Amgola Sub Post Office, Muzaffarpur-842001.

..... Applicant.

By Advocate : Shri J.K. Karn

-Versus-

1. Union of India through the D.G. Cum Secretary, Department of Posts, DAK Bhawan, New Delhi-110001.
2. The Chief Postmaster General, Bihar Circle, Patna-800001.
3. The Post Master General, Norther Region, Mzaffarpur – 842002.
4. The Director of Postal Services, Norther Region, Muzaffarpur-842002.
5. The Sr. Superintendent of Post Offices, Muzaffarpur Division, Muzaffarpur-842002.

..... Respondents.

By Advocate(s):- Shri Bindhyachal Rai.

ORDER

Per Mr. Jayesh V. Bhairavia, M (J):- The applicant is aggrieved of the order of Disciplinary Authority (DA) i.e the Superintendent of Post Offices, Muzaffarpur Division, Muzaffarpur dated 14.11.2014 (Annexure A/1) whereby the DA has imposed the punishment of recovery of Rs.63,509.00 from him in twenty monthly installments of Rs.3000.00 w.e.f. December 2014 and stoppage of next annual increment for two years without cumulative effect. Besides challenging the A/1 order, the applicant has also challenged the Appellate Authority (AA) order dated 09.01.2018 (Annexure A/2) whereby the order of the DA has been upheld.

2. The brief facts of the case as submitted by the applicant are as under:-

- 2.1 The applicant was working as SPM, Bihar University Town Sub Office, Muzaffarpur during the period from 31.01.2007 to 17.05.2009. At present he is posted as Sub Postmaster at Amgola Sub Post Office, Muzaffarpur.
- 2.2 One Shri Yugeshwar Prasad Singh was working at Bihar University Town Sub Post Office from 27.11.2006 to 31.01.2007 before the applicant was posted there on 31.01.2007. It is stated that Shri Yugeshwar Prasad Singh had allowed closure of one year TD accounts No. 624593 and 624594. Both

accounts stood in the joint names of Shri Ajay Kumar and Smt. Neelam Srivastava as on 20.10.2006, but he failed to make entry in R/O the closure of the said one year TD accounts in the concerned SO TD Ledger. Therefore, he was chargesheeted for the said negligence and misconduct. The charge against the said Yugeshwar Prasad Singh, the then SPM was proved and the disciplinary authority had awarded the punishment of 'Censure' on him (Annexure A/4 refers).

- 2.3 The applicant had joined the said branch, i.e. Bihar University Town Sub Office from 31.01.2007. He was implicated in disciplinary proceedings and he was served with Memorandum of Charge dated 04.08.2009 issued by the Senior Superintendent of Post Offices, Muzaffarpur whereby it was conveyed to the applicant that the Disciplinary Authority (DA in short) has proposed to hold an enquiry against him under Rule 14 of CCS (CCA) Rules, 1965. The copy of Article of Charges (Annexure-I) and the Imputation of Misconduct in support of each article of charges (Annexure-II), a list of documents by which, and a list of witnesses by whom, the articles were proposed to be sustained (copy of it at Annexure-III and IV) of said Memorandum dated 04.08.2009 was supplied to the applicant (Annexure-A/3 of OA refers).

2.4. The charges framed against the applicant (Annexure A/3) under Article-I, Article-II and Article-III are as follows:-

Article-1

Shri Dina Nath Pd. Sah while working as SPM, Bihar University Town sub Office, Muzaffarpur during the period from 31.01.07 to 17.05.2009 allowed on 13.08.2007 the withdrawal of Rs.32, 850/- from TD A/C No. 624593 and 624594 respectively standing in the joint name of Shri Ajay Kumar and Smt. Neelam Shrivastava and also put forged signature/allowed withdrawal on forged signature of the depositor in application form of withdrawal dated 13.08.07. Shri Dina Nath Pd. Sah did not tally the signature as on application for withdrawal i.e. SB-7 dated 13.08.07 with specimen signature as pasted with S.O. Ledger, as a result of which there was double payment of Two 1 year TD A/C No. 624593 and 624594 and thereby the department sustained loss to the tune of Rs. 63,509/-

Shri Dina Nath Pd. Sah is therefore charged on the following counts:-

- (1) Violation of Rule 33(5) and 134(b) of P.O. SB Manual Volume 1. Corrected up to 15.08.88.
- (2) Violation of Rule-3(1) (i),(ii) & (iii) of CCS (Conduct) Rules, 964.

Article-II

Shri Dina Nath Pd. Shah while working as SPM, Bihar University Town sub Office, Muzaffarpur during the period from 31.01.07 to 17.05.2009 allowed payment of Rs. 63,509/- in cash in c/w final closure of the Bihar University TSO One Year TD/A/C No. 624593 & A.C No. 624594 both standing in the joint names of Sri Ajay Kumar and Smt. Neelam Shrivastava without observing the Dte. Instructions issued vide SB Order No. 3/2008 circulated on 19.02.2008 by CPMG Patna and circulated by this division on 29.02.2008 regarding re-payment of amount exceeding 20,000/- or above through cheque in any small saving scheme except saving account.

Shri Dina Nath Pd. Sah is, therefore, charged on the following counts:-

- (1) Non-adherence to Dte. Instruction No. SB Order No. 3/2008 which reads that re-payment of Rs. 20,000/- and above in any small saving scheme except savings account cannot be made in cash in my case. Any violation of those instructions will be treated as CORRUPT PRACTICE and the disciplinary authority will take disciplinary action against the official responsibility accordingly.
- (2) Violation of Rule 3(1) (i), (ii) & (iii) of CCS (Conduct) Rules, 1964.

Article-III

Shri Dina Nath Pd. Sah while working as SPM, Bihar University TSO during the period from 31.01.2007 to 17.05.2009 did not check the pages of TD Long Book maintained in the Post Office. At the time of taking over the charge of an office the officer is required to check important and accountable paper and file, Long Book is an important accountable document and by not checking its pages Shri Sah has violated the Ruler 3(1)(ii) of CCS(Conduct) Rules, 1964.

As such Sri Didna Nath Pd. Sah is charged on the following counts:-

- (1) Violation of Rule 3(1)(i),(ii) & (iii) of CCS (Conduct) Rules, 1964.

2.5. After conclusion of enquiry the IO recorded his findings in his report dated 14.07.2014 (Annexure A/5) that the charges under Article-I against the applicant not fully established, and having regard to all the facts and circumstances of the case including the said charge he further opined that the Article-I is partially proved and charges under Article-II and III were not proved.

The copy of said report was provided to the applicant.

2.6. The learned counsel Mr. J.K. Karn for the applicant further submitted that on receipt of said enquiry report the applicant, i.e. CO had submitted his comment on it before the DA on 26.07.2014. The applicant had stated that the opinion of IO that the charges under Article-I was not fully established is judicious. However, on the same hand the IO had opined that the Article-I was partially proved, the said opinion about “partially proved” was not at all maintainable. The inquiry report is a part of quasi-judicial enquiry and IO must have to give reasons for his conclusion of “partially proved” charges under Article-I. In absence of it, the opinion in this regard of the IO amounts to based on surmise and conjecture.

The said contention of the applicant-delinquent was not appreciated by the DA and Appellate Authority (AA in short) and they have passed erroneous impugned punishment orders. In support of the said submission, the learned counsel for the applicant placed reliance on the judgment of the Hon’ble Apex Court in the case of **Mahavir Prasad Vs. State of UP** reported in AIR 1970 SC 1302.

2.7. It is further submitted by the learned counsel for the applicant that it is the fault of his predecessor, i.e. Shri Yugeshwar Prasad Singh (Witness No. SW-3) who failed in his duty to make entry in R/O the closure of TD a/cs of Shri Ajay Kumar and Smt. Neelam Srivastava in the concerned SO TD Ledger.

For the dereliction of his duty, DA had awarded the punishment of "Censure" vide order dated 30.07.2009 (Annexure A/4). Due to failure of his predecessor to make entry in the ledger about closure of the said account, the withdrawal was allowed by the applicant. However, in the case of applicant, though the charge under Article-I was not fully established the DA had awarded punishment for recovery along with stoppage of increment to the applicant, therefore, the impugned order is discriminatory and required to be quashed and set aside.

- 2.8 The learned counsel for the applicant further submitted that the inquiry conducted by the IO is vitiated due to non supply of documents and not providing appropriate opportunity to prove his innocence. In this regard, the learned counsel vehemently submitted that (i) The IO in his report had also recorded that out of 8 additional documents as demanded by the CO he was provided only two documents, (ii) It is also recorded by the IO that the CO could not get any opportunity to cross examine the important witness, namely, Neelam Srivastava due to non-production of her by the prosecution, (iii) The other witness Shri Ajay Kumar was also not produced by the prosecution to prove the withdrawal of amount and deprived the applicant of opportunity to cross examine him, (iv) The SW-2, the witness, namely, Sushil Kr. Sinha in his cross examination admitted that for

genuineness of signature of one depositor Neelam Srivastava put on B.U TSO SB-7 dated 13.08.2007 in R/O TD A/c No. 624593 and S-9, the opinion of expert may be taken, (v) The passbook of depositor holder was also not produced during the enquiry. All these lacuna of the enquiry vitiates the disciplinary proceedings on the ground of violation of principle of natural justice. The applicant has stressed upon his representation dated 26.07.2014 submitted before the DA (Annexure A/6 refers) in this regard.

- 2.9 The learned counsel further submitted that the DA as well as AA failed to appreciate the provision/instructions of Rule 106, 107, 111 of P&T Manual Vol. III. According to these rules, in the case of imposition of punishment of recovery the same can be imposed only when it is established that the government servant was responsible for a particular act or acts of negligence or breach of orders/rules caused the loss. It is further provided that the DA should correctly assess in realistic manner the contributory negligence on the part of an officer and while determining any omission or laches on the part of an officer the bearing of such lapses on the loss considered and the extenuating circumstances in which the duties were performed by the officer, shall be given due weight (para 12 (a) below Rule 11 at Annexure A/7 refers). It is contended that in the case of applicant the negligence of applicant is not

fully established. Therefore, the DA & AA totally failed to follow the said rules.

2.10. It is further contended that the manner in which the chargesheet is issued and charge framed is also in violation of DG, P&T Orders dated 13.02.1981 published at 12 (b) below the Rule 11 of CCS (CCA) Rules, 1965. According to the said rules, the penalty of recovery can be awarded only if the laches on the part of the delinquent have either led to the commission of fraud or misappropriation. In the case of applicant there is no charge of misappropriation or fraud levelled against him. Therefore, the punishment of recovery imposed upon the applicant is bad in law (Annexure A/7 refers).

2.11 The learned counsel for the applicant Shri J.K. Karn placed reliance on the judgment dated 25.04.2017 passed by the Hon'ble High Court of Judicature of Patna in the case of **B.S. Chaturvedi, Ex-Senior Ticket Examiner, EC Railway, Patna Vs. Union of India & Ors** (CWJC 12812 of 2016) and submitted that the opinion of the Enquiry Officer about charges partially proved is a contradiction in its own report that the charge is not fully established. Therefore, what was found to be partially proved is totally vague in the entire proceeding. Therefore, the applicant ought not to have been punished.

2.12 The learned counsel for the applicant further relied on the judgment of Hon'ble High Court, Patna

passed in **Kumar Upendra Singh Parmar Vs. B.S. Co. Opt Land Dev Bank Ltd. & Ors.** (CWJC 1404 of 1994) and submitted that the finding of the enquiry report recorded by the Enquiry Officer without providing any opportunity for cross examination of the witnesses, the reasons stated by the DA & AA that the charge was proved on the basis of documentary evidence. Therefore, non production of witness and its cross examination has no much importance. The said reason and decision of the DA & AA are contrary to the law laid down by the Hon'ble High Court.

2.13 The learned counsel for the applicant submitted that the impugned orders are in violation of principles of natural justice as well as contrary to the materials on record. Therefore, the said impugned are required to be quashed and set aside.

3. In contra, the respondents have filed their written statement (reply) and denied the contention of the applicant. The learned Standing Counsel Shri Bindhyachal Rai submitted that the applicant, i.e. Dinanath Prasad Sah while working as SPM Bihar University, Sub Office, allowed withdrawal of Rs.32850/- and Rs. 30,659/- from TD account no 624593 and 624594 on 13.08.2007. The applicant did not tally the signature available on the application form of withdrawal (SB-7) dated 13.08.2007 with specimen signature of the

concerned depositor (account holder) as pasted with SO ledger, as a result of which there was double payment of both 1 year TD account no 624593 and 624594 had been made and, therefore, the department sustained a loss of Rs.63,509/-.

4. It is submitted that the applicant had violated the Rule-33 (5) and 134 (b) of Post Office Saving Bank Manual Vol. I and without proper checking or tallying the signature of account holder, illegally allowed the withdrawal of aforesaid amount. Due to the said lapses, the applicant was served with charge memo under Rule-14 dated 04.08.2009. The IO, after inquiry, submitted his inquiry report that Article I is partially proved. Therefore, the Disciplinary Authority vide order dated 14.11.2014 has imposed punishment of recovery of Rs.63,509/- in twenty instalment of Rs. 3000/- from December 2014 and further punishment of stoppage of next annual increment for two years without cumulative effect vide memo dated 14.11.2014 (Annexure A/1).

5. It is further submitted by the respondents that the applicant had filed statutory appeal dated 12.12.2014 before the Appellate Authority against the order of

Disciplinary Authority dated 14.11.2014. After considering the contentions/defence raised by the applicant, the Appellate Authority vide its order dated 09.01.2018 has upheld the order of Disciplinary Authority. It is submitted that due opportunity was provided to the applicant during the enquiry. The contention of the applicant that documents were not provided is far from the truth. All the relevant documents were supplied and the documentary evidence which was relied upon during the enquiry was very much made available to the applicant. It is proved that the applicant failed to tally the signature of the account holder with specimen signature pasted in SO ledger. The said negligence amounts to misconduct and the DA and AA had correctly recorded their findings while imposing the punishment and thus the applicant is not entitled for any relief, as prayed for.

6. The learned counsel for the respondents further submitted that the plea of applicant regarding violation of Rule 106, 101 and 111 of the P&T Manual is not correct. It is further submitted that the applicant has participated in the disciplinary proceeding without any objection and he has submitted all his defence at every

stage during the disciplinary proceeding as well as before the Appellate Authority. Therefore, the disciplinary proceeding and its conclusion by way of order of DA is just and proper and is also in accordance with provisions of CCS (CCA) Rules, 1965.

7. The learned counsel for the respondents placed reliance on the order passed by this Tribunal in OA 696/2016 dated 27.03.2018 and submitted that a government official is not expected to be so callous in regard to discharge of his official duty, particularly while dealing with public money, and thereby causing loss to the exchequer. Due to negligence of applicant, the Department suffered loss and double payment was made, which, according to the respondents, could have been avoided but for the lapses on the part of the applicant. The department has rightly imposed the penalty of recovery as well as withholding of increment which is just and proper. It is further contended that fair opportunity was provided to the applicant-delinquent by the Disciplinary Authority. The conclusion arrived by the Disciplinary Authority is based on proved misconduct of the applicant and adhering to the principles of natural justice, the DA has awarded the punishment to the

applicant. The AA had also considered the appeal of applicant and after due consideration and recording proper reasons, the appeal was rejected and the punishment awarded has been upheld. Therefore, the respondents have prayed for dismissal of the OA.

8. The applicant has filed his rejoinder and reiterated his submissions made in the OA. The learned counsel Mr. J.K. Karn for the applicant additionally submitted that in the matter of disciplinary proceeding the scope of judicial review is very limited. However, in the present case, the applicant had approached this Tribunal with pinpointed case on the grounds mentioned in OA and in this rejoinder. The learned counsel for the applicant further placed reliance on the judgment passed by Hon'ble Patna High Court reported in 2004(1) ATJ 93 (CWJC No.7009 of 2003) to substantiate his argument that unless a finding is recorded that a person concerned committed misconduct by defalcating the amount and misappropriating the same, no order for recovery can be passed. He further submitted that the DA and AA have failed to consider the grounds taken by the applicant and erroneously passed the impugned orders.

9. Heard the parties and perused the records.

10. It reveals from the record that admittedly both the TD accounts No.624593 and No.624594 standing in the joint account of Shri Ajay Kumar and Smt. Neelam Srivastava of Bihar University, Town Sub Office, Muzaffarpur were allowed to close on 20.10.2006 by the then in-charge official, i.e Shri Yugeshwar Prasad Singh, SPM. However, he failed to make entry about the closure of the said account in the concerned SO TD Ledger. The said official had remained in/charge of the said Post Office for the period 27.11.2006 to 31.01.2007.

For not making appropriate entry in the ledger was proved to be misconduct of said Shri Yugeshwar Prasad Singh and, therefore, he was punished by the Disciplinary Authority vide order dated 30.07.2009.

11. It is further noticed that the applicant was posted at Bihar University, Town Sub Office, Muzaffarpur on 31.01.2007.

12. It is noticed that the charges were levelled against the applicant for the incident that took place on 13.08.2007. While the applicant-delinquent was working as SPM, Bihar University, Post Office, Muzaffarpur, he

had allowed withdrawal of Rs. 32,850/- from TD Account No.624593 and Rs.30,659/- from TD Account No.624594 standing in the joint names of Shri Ajay Kumar and Smt. Neelam Srivastava without tallying the signatures of said account holders with specimen signatures pasted on Post Office SO, ledger.

The said conduct of the applicant was considered by the Disciplinary Authority as violation of Rule 33(5) and 134(b) of POSB Manual Vol. I, and also in violation of Rule 3(1) (i) (ii) & (iii) of CCS (Conduct) Rules, 1964 and, accordingly, he was subjected to disciplinary proceeding.

13. The memorandum of charges dated 04.08.2009 along with statement of imputation was served upon the applicant, and on denial of charges, the inquiry was conducted. Applicant had participated in the said enquiry. After conclusion of the enquiry, the inquiry officer opined that charges under Article-I were not fully established. However, he also opined that having regard to all the facts and circumstances of the case, the charges under Article-I is partially proved against the applicant. So far charges under Article-II and II are

concerned, the said charges were not found to be proved. The copy of the said inquiry report was provided to the applicant-delinquent. He had filed his representation to it on 26.07.2014 (Annexure A/6 refers).

14. Considering all the aspects of inquiry report, and the points raised by the applicant in his representation, the Disciplinary Authority came to the conclusion that the CO, applicant herein, who was working as SPM. on regular measure of the office, should have checked the log book and important accountable papers before doing next transaction. It is on the record that the signature of the depositor on withdrawal voucher was not tallying. Accordingly, the DA held that the charges levelled against the applicant under Article-I was proved and the DA awarded punishment of recovery of Rs.63,509/-(63,509) in twenty monthly installments of Rs. 3000/- w.e.f December, 2014 and the remaining in one lump sum from the pay and allowances of the official concerned and further imposed punishment of withholding of his next annual increment for two years without cumulative effect vide its order dated 14.11.2014 (Annexure A/1-impugned herein).

It is further noticed that the order passed by the DA was challenged before the AA by the applicant. The AA considering each and every contention of the applicant had rejected the appeal of the applicant and upheld the decision of the DA vide its order dated 09.01.2018 (Annexure A/2 impugned herein).

15. On examination of materials on record, it reveals that the applicant-delinquent was provided all the relevant documents which were relied upon by the prosecution and the IO. It is also noticed that the prosecution were cross-examined by the applicant. It is also noted that though the account holder namely Smt. Neelam Srivastava was cited as a witness in charge-sheet, she was not produced by the prosecution for examination in chief, consequently the applicant could not get opportunity to cross examine the said witness. It is further revealed that the said witness, i.e. Neelam Srivastava's statement was recorded during the preliminary enquiry. A copy of the said statement was provided to the applicant along with the chargesheet and only the said statement was taken into consideration by IO wherein she had denied receipt of any amount from her account which was allowed to be withdrawn on

13.08.2007. The applicant was provided all the opportunities for his defence and therefore the contention of the applicant that he was not provided sufficient opportunity for his defence is found to be contrary to the materials on record. Thus, the submission of the applicant about violation of principles of natural justice does not sustain.

16. It is the submission of the applicant that the DA had violated provisions of Rule 106, 107 and 111 of P&T Manual Vol. III while awarding the penalty of recovery against the applicant and therefore the punishment order is bad in law. The said contention of the applicant is also not tenable for the reason that it is noticed that that the Disciplinary Authority held the applicant-delinquent responsible for dereliction of duty under Rule 33(5) and Rule 134(b) of POSB Vol. I and the said breach caused the loss to the government. Therefore, in the case of proceeding relating to recovery of pecuniary losses caused to the government by negligence or breach of rules, as in the present case, the disciplinary authority found the charges proved and imposed the punishment of recovery. The said action of the DA for

imposing punishment of recovery cannot be said to be in violation of said Rule of P&T Manual.

17. It is apt to note that it is settled proposition of law that judicial review of process is only permissible and not of the decision as held by Hon'ble Supreme Court in **Union of India & Ors Vs. P. Gunasekaran**; 2015 (3) SCC 610. It is also appropriate to quote the law laid down by Hon'ble Apex Court in the case of **Union of India and Anr. B.C. Chaturvedi**, 1995 (6) SCC 750:-

“Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that conclusion which the authority reaches is necessarily correct in the eyes of the Court. When an inquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceedings. When the authority accepts that evidence and conclusion

receives support there from the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The Court/Tribunal on its power of judicial review does not act as appellate authority to re-appreciate the evidence and to arrive at its own independent findings on the evidence. The Court/Tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached the Court/Tribunal may interfere with the conclusion or the finding, and mould the relief so as to make it appropriate to the facts of each case.”

18. Further, it is also settled law that a strict rule of evidence will not apply in a disciplinary matter as laid down by the Hon’ble Apex Court in the case of **State of Haryana and Another Vs. Ratan Singh**; 1977(2) SCC 491.

19. It is suffice to observe that the DA and AA had considered all the relevant records and the points raised by the applicant in his representation/appeal before passing the impugned orders. It is noticed that in its order dated 09.01.2018 the AA recorded that “In his deposition Md. Zainuddin (SW-4) stated that the

signature of Neelam Srivastava put on SB-7 dated 13.08.2017 in r/o TD Account No. 624593 and 624594 exhibited at S-8 and S-9 respectively do not tally with specimen signature made at S-4. The said SW-4 was also cross examined by defence wherein he clearly stated that 01 year TD Accounts were opened in the year 2005 and the double payment was made on 13.08.2007 so it should be checked properly before effecting payment, but paying official did not do so. As per Rule 33(5) of POSB Manual Vol. I the supervisor, SPM is required to compare the signatures of depositor with that available in office records and put his initials on the application side of the SB-7 in token of having compared the signature. In S-8 and S-9 there is initial of the applicant as SPM in token of having done so. Thereby it is clear that the applicant allowed the withdrawal from accounts No. 624593 & 624594) in full sense of knowledge on a forged signature. This act on the part of the applicant violates the provision of Rule 33(5) of POSB Manual Vol. I.” Accordingly, the said Appellate Authority held that negligence on the part of the applicant/appellant has been established which led loss to the Department and

accordingly upheld the DA order. In our considered opinion there is no flaw in the order passed by the AA.

20. We have considered the decisions relied upon by the learned counsel for the applicant. In the facts and circumstances of the present case, the said decisions are not found to be applicable and helpful to the case of the applicant.

21. In view of the aforesaid discussion as also in the light of law laid down by Hon'ble Apex Court referred hereinabove (supra), we have no hesitation in holding that there is no infirmity in the order dated 14.11.2014 passed by the Disciplinary Authority and order dated 09.01.2018 passed by the Appellate Authority. The OA is, accordingly, dismissed. The interim order dated 27.02.2018 staying the penalty of recovery is hereby vacated. No order as to costs.

(Jayesh V. Bhairavia)
Judicial Member

(K.N.Shrivastava)
Administrative Member

Srk.