

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00272/2017

DATED THIS THE 7TH DAY OF SEPTEMBER, 2018

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI DINESH SHARMA, MEMBER(A)

Nagappa,
Aged 35 years,
S/o Hanumanthappa,
GDS BPM, Kurvapur BO,
A/w Raichur Mukramganj SO,
Residing at Savanthigere Village,
Deodurga Taluk,
Raichur District – 582118. ...Applicant.

(By Advocate Shri B. Venkateshan)

Vs.

1. Union of India

Represented by the Secretary,
Department of Posts,
Dak Bhavan,
New Delhi – 110 001.

2. The Postmaster General,

North Karnataka Region,
Dharwad – 580 001.

3. The Superintendent of Post Offices,

Raichur Division,
Raichur – 584 102. ...Respondents.

(By Shri K. Gajendra Vasu, Senior Panel Counsel)

O R D E R (ORAL)

HON'BLE DR K.B. SURESH, MEMBER(J)

Heard. The issue is that the applicant while working as BPM has mis-utilized the money entrusted to him for his personal work and he had apparently given a version which is translated and produced as

Annexure R-4 relating to the incident, which is quoted below. In this he admits the infraction

"To,
Mail Overseer-1, Raichur Sub Division.

My self is Shri Nagappa, S/o Shri Hanmanth, B.P.M Kurvapur BO, I know the work of B.P.M... Today on 22.02.2010, mail overseer of Raichur Sub Division has shown me money order paid form of Mtamari SO Money Order No.1820/67 dated 06.10.2009 for Rs.800/- . I have seen it. On that form in the place for 'paid by me' , I had put the signature. On the date of receipt of the money order form on 16.10.2009 from Raichur Mukram Gunj Post Office I had not made entry of the money order No.1820/67 dated 6.10.2009 for Rs.800/- in the Branch Post Office Journal. It is my mistake. But, I had signed the money order form No.1820/67 dated 06.10.2009 for Rs.800/- as paid by me. I had utilized the amount said money order for my personal work. I will credit this amount on 1.2.2010. I had not written the money order in the Branch Office journal, it is wrong on my part for having not written the money order in the branch office journal. Excuse this mistake, I will work ensuring non repetition of this kind. I have given this letter on true facts without anybody's pressure.

(Shri Nagappa)
GDS BPM Kurvapur BO
Date 22.1.2010."

2. Now the case of the applicant is that he had been coerced in writing this statement and this statement was given. We therefore queried Shri Venkateshan, learned counsel for the applicant, whether after having come out of the effect of such coercion, he had withdrawn the statement and the answer is in the negative. Having not withdrawn, the admission has become evidence. That being so, no merit in the OA. Dismissed. No costs.

(DINESH SHARMA)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER(J)

vmr

Annexures referred to by the applicant in OA.No.272/2017

Annexure A-1: Death Certificate of Smt. Nagamma dated 12.2.2012.

Annexure A-2: Death Certificate of Smt. Nagamma dated 6.10.2004.

Annexure A-3: Charge Memo No.F3/2/2009 dated 29.9.2010.

Annexure A-4: Inquiry Officers Report dated 13.11.2013.

Annexure A-5: SPOs. Memo No.F3/2/2009-10 dated 15.04.2014.

Annexure A-6: Applicant's representation dated 6.5..2014.

Annexure A-7: Memo No.F3/2/2009-10 dated 20.10.2014.

Annexure A-8: Applicant's Review Petition dated 24.7..2015.

Annexure A-9: Circular No.PD 37 SMC 2012 dated 2.5..2012.

Annexure A-10: Memo NKR/STA-4/775 dated 13.2..2017.

Annexure A-11: HC GLB Judgment in WP-86911/2012 dated 16.9.2016.

Annexures referred to by the respondents in the OA

Annexure R-1: Copy of Voucher

Annexure R-2: Copy of Voucher.

Annexure R-3: Statement dated 4.1.2010 given beofre ASP Raichur

Annexure R-4: Statement dated 22.1.2010 given by the applicant.

Annexure R-5: Statement dated 4.1.2010 given by Shri G. Veeresh.

Annexure R-6: Statement dated 4.1.2010 given by Shri Ramanna.

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