

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00937/2016

DATED THIS THE 17TH DAY OF DECEMBER, 2018

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

HON'BLE SHRI C V SANKAR, MEMBER (A)

A.M. Nagendra
S/o Manjunatha H.B
Aged about 30 years
Resident of Kariyamma temple opposite
K.T. Street, Arsikere – 573 103,
Hassan District
Working as Accountant
Head Post Office Arsikere – 573 103Applicant

(By Advocate Shri B.S. Venkatesh Kumar)

Vs.

1. Union of India
Rep. by its Secretary,
Department of Posts,
Ministry of Communication and Information Technology
Dak Bhavan, Parliament Street,
New Delhi – 110 001

2. The Chief Post Master General
Karnataka Circle, Palace Road,
Bangalore – 560 001

3. The Postmaster General
South Karnataka Region,
2nd Floor, GPO Building,
Bangalore – 560 001

4. The Director of Postal Services,
S.K. Region, Palace Road,
Bangalore – 560 001

5. The Supdt of Post Offices
Hassan Division, Hassan – 573 201Respondents

(By Shri K. Gajendra Vasu, Counsel for the Respondents)

ORDER (ORAL)DR. K.B. SURESH, MEMBER (J):

Heard. The matter is in a very small compass. Apparently one Shri Ashoka had committed a fraud of Rs.3,42,613/- . Only Rs. 97,000/- could be recovered from him at that point of stage. There was a loss of Rs. 2,45,613/- to the department in this course. Apparently applicant had joined on a particular date much after this fraud had taken place and had countersigned a requisition for withdrawal of money from a deposit of Rs.10,000/- whereas his power was only for Rs.5,000/-. The respondents now say that at a later stage this depositor has said that he had not received this 10,000/- rupees. But then that apparently is not in the matrix in the inquiry. No opportunity has been given to the applicant to challenge it but unilaterally the department seems to have asked him to repay Rs. 1,05,595/-. The respondents have not been able to explain as to how this amount has been arrived at and how the applicant is directly responsible for the loss to the department. Obviously this cannot lie because the infraction for which the applicant was charged had occurred even before the applicant joined at that particular place and therefore, he apparently had no juncture with the issue to the extent of the order of recovery. Therefore, the chargesheet and all consequences are hereby quashed.

2. The OA is allowed. If at all any amount has been recovered, it will be given back with interest. No order as to costs.

(C V SANKAR)
MEMBER (A)

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

/ksk/

Annexures referred to by the applicant in OA No.170/00937/2016

Annexure-A1: Copy of the charge memorandum dated 08.02.2016

Annexure-A2: Copy of the penalty order dated 20.09.2016

Annexure-A3: Copy of the pay slip of the applicant for September, 2016

Annexure-A4: Copy of the appeal dated 10.10.2016

Annexure-A5: Copy of the extracts of Rule 92 of PO SB Manual Volume I

Annexure-A6: Copy of the extracts of Rule 75 of PO SB Manual Volume I

Annexure-A7: Copy of the order dated 18.01.2013 in O.A. No. 295/2013 of Jodhpur Bench

Annexure-A8: Copy of the order dated 04.09.2001 passed by Ahmedabad Bench

Annexures with reply statement

Annexure-R1: Copy of the written statement of the applicant dated 04.09.2014
Annexure-R2: Copy of the representation of the applicant dated 18.02.2016
