

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00263 of 2015

Date of Order: This, the 17th day of January 2019

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. N. NEHSIAL, ADMINISTRATIVE MEMBER

Sri Prasanta Kumar Muktiar
Son of Late Adhan Chandra Muktiar
Vill – Pachim Jalah Gaon
P.O. – Upar Ujara , Dist-Nagaon
Assam, Pin – 782101.

... Applicant.

By Advocate: Mr. S. Nath

-Versus-

- 1 The Union of India
 Represented by the Secretary
 To the Govt. of India
 Ministry of Communications & IT
 Department of Posts, New Delhi – 110001.

2. The Chief Postmaster General
 Assam Circle, Meghdoot Bhawan
 Panbazar, Guwahati – 781001, Assam.

3. The Director of Postal Services
 Assam Circle, Meghdoot Bhawan
 Panbazar, Guwahati – 781001, Assam.

4. Superintendent of Post Offices
 Nagaon Division, P.O. – Nagaon
 Assam, Pin – 782001.

... Respondents

By Advocate: Ms. M. Bhattacharjee, Addl. CGSC

ORDER

N. NEIHSIAL, MEMBER (A):

In the present O.A. No. 040/00263 of 2015, the applicant has sought the following reliefs:

- “8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned order of removal from service issued vide Memo No. F6-01(C)/2010-11 dated 28.05.2013, appellate order No. Staff/2/24-11/2013/RP dated 24.09.2013 and impugned Order No. Inv/Petition-4/2014 dated 24/25.07.2014.
- 8.2 That the Hon'ble Tribunal be pleased to direct the respondents to impose penalty of compulsory retirement from service upon the applicant in modification of the penalty of removal from service issued vide Memo No. F6-01(C)/2010-11 dated 28.05.2013.
- 8.3 Costs of the application.
- 8.4 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.”

2. Facts of the case are that the applicant was appointed as Postal Assistant on 19.06.1991 on compassionate ground due to sudden demise of his father. The applicant while serving as SPM at Nanoi S.O. under Nagaon Sub-Division was detected to have committed misappropriation of public money to the tune of Rs. 79,879.36. This includes the amount of Rs. 28,842/- from SB/RD of the depositors. In addition to this, there was shortage of cash to the

extent of Rs. 51,037.36. Consequence to this, the applicant was charge-sheeted vide Memorandum No. F6-01(C)/2010-11 dated 05.07.2012, Annexure-4, Page 20 to the O.A. consisting of two charges namely Article-I and Article-II respectively. Article-I relate to the misappropriation of Rs. 28,842/- deposited by as many as 44 individual depositors and Article-II relates to shortage of cash to the extent of Rs. 51,037.36. The charges were duly admitted and accepted by the applicant and also made a plea that he was not in a position to recollect the fact that was happened earlier. Considering the fact that the applicant had admitted the charges, he was imposed penalty of removal of service w.e.f. 01.06.2013 by the disciplinary authority vide order No. F6-01(C)/2010-11 dated 28.05.2013, Annexure-7, page 34 to the O.A. Consequence to this, the applicant had made appeal on 09.07.2013 to the Director of Postal Services, Assam Circle, Guwahati. The Appellate Authority after considering various aspects of the charges and also points of appeal made by the applicant, rejected the appeal vide order No. Staff/2/24-11/2013/RP dated 24.09.2013, Annexure-9, page 42 to the O.A.

3. The applicant made Revision representation to the Chief Postmaster General, Assam Circle, Guwahati on 17.12.2013 mainly giving arguments only mental depression, unmindfulness and loss of

memory during the period. He also highlighted the case of one incumbent namely Shri Padma Ram Kalita, Supervisor, SBCO, Nagao, H.O. wherein though committed financial impropriety was not removed from service though he was with sound mind and sound health. The Revision Authority extensively made detailed examination on the representation dated 17.12.2013 including his claim of mental illness and loss of memory and above situated cited individual. After examining all these aspects, the Revision Authority has rejected the representation of the applicant vide order No. Inv/Petition-4/2014 dated 24/25.07.2014 without any modification of punishment imposed by the disciplinary authority vide memorandum No.F6-01(C)/2010-11 dated 28.05.2013.

4. We have heard Mr. S. Nath, learned counsel for the applicant and Ms. M. Bhattacharjee, learned Addl. CGSC for the respondents. Perused the pleadings and all the documents.

5. We have carefully gone through the entire case including seriousness of the offence committed by the applicant and his acceptance of the charges. We also have gone through the details of procedure adopted by the disciplinary authority in issuing the charge-sheet and imposition of penalty of removal from service. We have also gone through the examination and consideration

afforded in the appeal/petition to the Appellate Authority and to the Revision Authority. Considering all these aspects, it is felt that the application does not have any justified merit for interference by this Tribunal and for granting him compulsory retirement instead of removal from service and is liable to be rejected. Accordingly, the O.A. is hereby dismissed. No order as to costs.

(N. NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

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