

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH  
HYDERABAD**

**OA/21/1010/2012**

**Dated: 22/03/2019**

Between

M.A. Jaleel,  
S/o. late M.A. Hafeez,  
Aged 58 years,  
Occ: Assistant Postal Assistant,  
(under the order of dismissal),  
O/o the Post Master, Peddapalli,  
Karimnagar District,  
R/o. H.No.4-6-87, Mudami Street,  
Peddapalli ó 515 172,  
Karimnagar District, A.P.

... Applicant

AND

1. Union of India rep. by  
The Director of Postal Services,  
Hyderabad Division,  
Hyderabad.
2. The Superintendent of Post Offices,  
Peddapalli Division,  
Peddapalli.
3. K. Prakash Rao,  
Inquiry Officer and  
Assistant Superintendent of Post Office,  
Mahaboobabad Sub Division,  
Mahaboobabad ó 506 101.

... Respondents

Counsel for the Applicant	:	Mr. K.R.K.V. Prasad
Counsel for the Respondents	:	Mrs. K. Rajitha, Sr. CGSC

**CORAM :**

***Hon'ble Mr. Justice L. Narasimha Reddy, Chairman***  
***Hon'ble Mr. B.V. Sudhakar, Admn. Member***

**ORAL ORDER**

(Per Honøble Mr. Justice L. Narasimha Reddy, Chairman)

The applicant was working as Postal Assistant in the O/o the Post Master, Peddapalli. A charge memo was issued to him on 23.2.2004 alleging that he prematurely closed the Monthly Income Scheme (MIS) Accounts of four customers in the Sultanabad Sub Office in the year 2002-03 and misappropriated the amounts and committed fraud and that it amounts to act of indiscipline. This was followed by a disciplinary inquiry. The Disciplinary Authority dismissed the applicant from service through an order dated 29.11.2011. The appeal preferred by the applicant was rejected through order dated 15.2.2012. This O.A. is filed challenging the order dated 29.11.2011 & 15.02.2012.

2. The applicant contends that a baseless allegation was made against him and he was coerced to sign a statement and to deposit the corresponding amount. He contends that during the course of regular inquiry, he was not permitted to cross examine certain witnesses and inquiry was not held properly. He further submits that the punishment imposed against him was very harsh. Several other contentions are also urged.

3. The respondents filed counter affidavit opposing the O.A. They stated that the acts of the applicant are of grave and serious nature and

that he has duped the innocent depositors from rural area who opened accounts in the post office. They submit that the applicant himself admitted the commission of fraud, so much so he has deposited the amount misappropriated by him. They submit that the disciplinary proceedings were conducted strictly in accordance with the rules and no irregularity has taken place.

4. We heard Shri K.R.K.V. Prasad, learned counsel for the applicant and Sri K. Laxman representing Smt. K. Rajitha, learned Senior Standing Counsel for the respondents.

5. The allegation against the applicant is that he prematurely closed MIS accounts of four subscribers on 11.12.2002 (1) & 11.6.2003 (3). Each of the account was for a sum of Rs.48,000/-. The subscribers were entitled to receive monthly income on the deposits. Without their knowledge, the accounts were closed. On receiving certain complaints, preliminary inquiry was conducted and it appears that the applicant has admitted his acts and omissions, in this behalf. He is said to have deposited the entire amount into the accounts of respective subscribers. In the disciplinary proceedings, the following articles of charge were framed:

**“Article I:** That Sri M.A. Jaleel, SPM while working as SPM, Sultanabad during the period from 14.9.98 to 11.6.03 has shown premature closure of Rs.48000/- in respect of MIS 218211 of Sultanabad SO relating to Smt. Girugola Laxmi on 10.6.03 shown the transaction in SO MIS long book LOT and incorporated the transaction in SO account and SO daily account on 10.6.03 of Sultanabad SO without actually paying the amount of closure to the depositor in violation of Rule 159(2) of procedure to be followed in Sub Offices of POSB Manual Volume-I read with Rule-33(5), 33(3)(b)(iv) of POSB Manual Volume-I.

Therefore, it is alleged that Sri M.A. Jaleel has violated the provision of Rule 159(2) of POSB Manual Volume-I and thereby failed to maintain absolute devotion to duty and integrity as required by Rule 3(1)(i)(ii) of CCS (Conduct) Rules, 1964.

Articles II, III & IV: Verbatim same, of Article I except the name of the subscriber and the date of closure of the account.ö

6. Across the bar, it is submitted that the applicant did not submit any explanation at all to the charge memo. All the same, the departmental inquiry was conducted wherein, as many as six witnesses were examined and quite a large number of documents were filed. The applicant had cross examined every witness, including the subscribers of the concerned accounts. The statement recorded from the applicant on 5.11.2003 in the course of inquiry about the entire episode was marked in the inquiry as Exhibit P-54. In that, he categorically admitted that he committed fraud and that he has deposited a sum of Rs.1,20,000/- on 27.8.2003, a sum of Rs.80,000/- on 5.9.2003 and a sum of Rs.28,000/- on 8.9.2003. There is nothing to show that he retracted from the same and proved it. The applicant did not elicit anything contrary, from the witnesses examined during the course of inquiry.

7. One of the contentions urged across the bar by the applicant is that he was not put the questions as mentioned under sub Rule 18 of Rule 14 of CCS (CCA) Rules. Reliance is placed upon the judgement of the Honøble Supreme Court in Ministry of Finance & Others vs S.B. Ramesh dated 2.2.1998.

8. At the outset, we may observe that though reference was made to Rule 14 (18) of CCS (CCA) Rules in the said judgement, the case was decided mostly on the ground that the punishment was imposed on the

employee without any evidence and that persons whose statements were relied upon, were not examined at all. It is difficult to discern any ratio from the said judgement to the effect that the failure to put questions on the part of the Inquiry Officer at the conclusion of the inquiry would vitiate the entire proceedings.

9. Be that as it may, once the applicant admitted his fraud and has deposited the amount misappropriated by him, that too in instalments, hardly there was any necessity for inquiry. Nothing was elicited by him from the witnesses in the course of inquiry to show that he did not deposit the amount. The Inquiry Officer discussed each and every article in detail, with reference to the evidence of the witnesses and held the charges as proved. On his part, the disciplinary authority examined the issue in detail and referred to the oral as well as the documentary evidence that was part of the inquiry proceedings. The appellate authority also has dealt with the points raised by the applicant in detail.

10. Once the applicant has admitted the fraud committed by him, we are of the view that he cannot take shelter under technicalities. We are not inclined to interfere with the orders challenged in the O.A. The O.A. is dismissed. There shall be no order as to costs.

**(B.V. SUDHAKAR)**  
**MEMBER (ADMN.)**

**(JUSTICE L. NARASIMHA REDDY)**  
**CHAIRMAN**

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