

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00687/2015**

Date of Order: 20.05.2019

C O R A M

Hon'ble Mr. Jayesh V. Bhairavia, Judicial Member
Hon'ble Mr. Dinesh Sharma, Administrative Member

Sunil Kumar Singh, son of late Bindhyachal Prasad Singh, resident of Nagina Colony, at Gudari, Chapra, District – Saran, presently posted as Postal Assistant, at Head Post Office, Chapra, District – Saran.

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Applicant.

By Advocate: - None

-Versus-

1. The Union of India, through the Secretary, Department of Posts, Ministry of Communication and Information Technology, Government of India, New Delhi.
2. The Secretary, Department of Posts, Ministry of Communication and Information Technology, Government of India, New Delhi.
3. The Postal Service Board, through its Chairman at New Delhi.
4. The Chairman, Postal Service Board, at New Delhi.
5. The Chief Postmaster General, Bihar Circle, Meghdoot Bhawan, Patna, Bihar.
6. The Post Master General, Northern Region, Muzaffarpur, Bihar.
7. The Director, Postal Services, O/o Post Master General, Northern Region, Muzaffarpur, Bihar.
8. The Senior Superintendent of Posts, Saran Division, Chapra, District – Saran.

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Respondents.

By Advocate: - Mr. H.P.Singh

O R D E R
[ORAL]

Jayesh V. Bhairavia Member [J] :- Neither the applicant nor his counsel has been appearing in the present for the last several dates. This matter pertains to the year 2015. Heard the learned counsel for the respondents. We have gone through the materials available on record and come to the conclusion that this case can be decided ex

parte under Rule 15[1] of Central Administrative Tribunal [Procedure] Rules, 1987.

2. This original application has been filed by the applicant for setting aside the appellate authority's order dated 28.07.2015 [Annexure-A/7] as well as the order of the Disciplinary Authority having memo no. F4-1/2013-14/Disc/S.K.Singh dated 17.06.2014, whereby under Rule 12 of the CCS [CCA] Rules, 1965, he has been awarded punishment of recovery of Rs.75000/- only against the loss of deposited amount in the MIS account in twenty five instalments.

3. The applicant's case is that while he was working as "SB Misc. PA", he was given additional charge of "APM [SB] HO" at Chapra in the 2nd half of 18th October, 2011 in the absence of Shri K.N.Singh.

4. On 18.10.2011, one MIS Account No.51531 [having investment of Rs. 3,00,000/-] was prematurely closed at the counter of one Nagendra Kumar Shyam, Postal Assistant. The aforesaid account was opened in the name of Smt. Lalit Devi and Rajesh Kumar Chaudhary. The applicant submitted that an application for closer of the account was submitted through a Postal Agent, Indrdeo Prasad Singh and an amount of Rs. 2,94,000/- was credited in the joint SB Account of Smt. Lalita Devi and Ramashankar Choudhary bearing SB Account No.399193. The applicant submitted that the aforesaid amount was withdrawn on that very day [on SB-7 of Lalita Devi] from the counter of the same SB PA Nagendra Kumar Shyam and the payment was made to the same agent Indrdeo Prasad Singh.

5. The applicant submitted that in April, 2013, the account holder Lalita Devi and her husband Ramashankar Chaudhary, having gone through a newspaper regarding fraud committed by Shri Indradeo Prasad Singh, reported the matter to the Postmaster of Chapra Head Office. Thereafter, a departmental proceeding was initiated in the matter vide Memo No.F4-1/2013-14 dated 06.02.2014 [Annexure-A/1] alleging that he failed to verify the signatures and also failed to comply the norms of transactions exceeding Rs. 50,000/-. The applicant relied to the charge memo on 03.04.2014 [Annexure-A/2]. The applicant submitted that after completion of departmental proceedings, the respondent no.8 awarded a punishment of recovery of Rs. 75,000/- from the salary of the applicant in 25 instalments. The applicant preferred an appeal, which was also rejected vide order dated 28.07.2015 [Annexure-A/7] upholding the punishment awarded by the Disciplinary Authority to the applicant.

6. The respondents filed their written statement and submitted that the applicant, Sunil Kumar Singh, Postal Assistant Chapra HO while working as APM SBHO Chapra HO on 18.10.2011 in addition to his own work as SB Mise PA in the vacancy caused by the departure of Shri K.N.Singh, the then APM due to some urgent work, allowed fraudulent premature closure of MIS Account No.515351 having balance of Rs. 3,00,000/- held in the joint names of Sri Rajesh Kumar Chaudhary and Smt. Lalita Devi.

7. The respondents submitted that on 18.10.2011, withdrawal form [SB-7] and an application requesting for premature closure of MIS of

the aforesaid account duly filled and purported to have been signed by the depositors Sri Rajesh Kumar Chaudhary and Smt. Lalita Devi were received by Shri Nagendra Kumar Shyam, the then SB counter PA Chapra HO from the NS agent Shri Indradeo Prasad Singh. The account was prematurely closed and an amount of Rs. 2,94,000/- was paid through credit in SB account no.399193 held in the name of Shri Ramashankar Chaudhary. Subsequently, the credit amount was withdrawn on the very day from the counter of the said SBPA Shri Nagendra Kumar Shyam and payment was allegedly made to the NS agent Shri Indradeo Prasad Singh. It is alleged that premature closure of MIS account under reference was not written by the depositors in their own handwriting and also bearing bogus signature of the depositors, which was not verified by the applicant.

8. The respondents further submitted that the blank withdrawal form [SB-7] signed by the depositor Smt. Lalita Devi and given to the NS Agent for withdrawal of interest from MIS account was misused by the said NS Agent Shri Indradeo Prasad Singh for premature closure of MIS account and credited the amount to the SB account as aforesaid. The respondents submitted that the applicant failed to discharge his supervisory duty and the date of occurrence resulting into the fraudulent closure and withdrawal of the huge amount from the account of the concerned account holder in a clandestine manner. Therefore he has been imposed a punishment after following the due process of law. As such, the order under challenge does not suffer from

vices of any illegality or impropriety, hence no interference is required by this Tribunal.

9. The respondents submitted that the applicant was proceeded under Rule 16 of CCS [CCA] Rules, 1965, vide memo dated 25.03.2014 and after following the due process of law and on conclusion of the proceedings, the applicant was awarded punishment of recovery of Rs. 75,000/- vide letter dated 17/18.06.2014. The applicant preferred and appeal, which was also rejected by the appellate authority vide order dated 28.07.2015.

10. We have heard the learned counsel for the respondents and gone through the materials available on record very carefully.

11. It is noticed that the on 18.10.2011, withdrawal form [SB-7] and an application on plain paper requesting for premature closure of MIS Account No. 515351 duly filled and purported to have been signed by the depositors Sri Rajesh Kuamr Chaudhary and Smt. Lalita Devi was received by Sri Nagendra Kumar Shyam, the then SB counter PA Chapra HO from the NS Agent Sri Indradeo Prasad Singh. The account was prematurely closed and an amount of Rs. 2,94,000/- was paid through credit in SB account no. 399193 held in the names of Smt. Lalita Devi and Sri Ramashankar Chaudhary. Subsequently, the credited amount was also withdrawn on the same day from the counter of the said SBPA Sri Nagendra Kuamr Shyam and payment was allegedly made to the NS Agent, Sri Indradeo Prasad Singh. It is further noticed that the applicant was proceeded under Rule 16 of CCS [CCA] Rules, 1965, vide memo dated 25.03.2014 and was awarded punishment of recovery of Rs.

75,000/- vide memo dated 17/18.06.2014, which was upheld by the appellate authority. We did not notice any infirmity in the impugned orders issued by the respondent authorities. This OA lacks merit.

12. Accordingly, the OA is dismissed. No costs.

Sd/-

Sd/-

[Dinesh Sharma]
Administrative Member

[Jayesh V. Bhairavia]
Judicial Member

Mps.