

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING : BILASPUR

Original Application No.203/00154/2018

Bilaspur, this Friday, the 19th day of July, 2019

HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER

Akhileshwar Das Manikpuri, S/o Late Bande Das Manikpuri,
aged about 57 years, Retired Postman, R/o Komakhan, P.S.
Komakhan, District Mahasamund C.G., Mb. No.8602217559,
07999541342, 09691208482
-Applicant

(By Advocate – Shri Shushobit Singh)

V e r s u s

1. Post Master General Head Post Office Raipur, District Raipur
C.G.

2. Senior Superintendent, Head Post Office Raipur, District
Raipur C.G.

3. Deputy Divisional Inspector, Post Office Mahasamund,
District Mahasamund C.G.
-Respondents

(By Advocate – Shri Vivek Verma)

O R D E R (O R A L)

By Navin Tandon, AM.

The applicant has made the following submissions in this

O.A:

1.1 He was appointed as Dak Pal with the respondent
department.

1.2 A written complaint was lodged in the year 1999
against the applicant and he was prosecuted for the offence

under Section 409, 420, 467, 463 and 471 of IPC. However, he was acquitted by the Trial Court vide order dated 04.07.2009.

1.3 The services of the applicant were terminated only on account of criminal prosecution and no departmental enquiry was conducted against the applicant.

1.4 He has submitted his representation (Annexure A-2) to the respondent department for reinstatement.

1.5 Presently, the applicant is suffering from paralysis and is unable to perform his daily chores by himself.

2. The applicant has, therefore, sought for the following reliefs:

“8.1 That, the learned Tribunal may kindly be pleased to direct the respondents to reinstate the applicant back in services from the date he was removed with all consequential benefit of seniority, continuity and pay scale.

8.2 Cost of the Original Application.

8.3 Any other relief/reliefs which may deem fit and proper in the facts and circumstances of the case may also be allowed.”

3. The respondents have filed their reply in which it has been stated that the applicant misappropriated the Government money from 06.03.1998 to 01.05.1999. He was placed under put-off duty from 10.05.1999 afternoon. Subsequently, a chargesheet was issued to the applicant on 15.09.1999. However, he did not submit his representation against the

chargesheet. Hence, departmental enquiry was ordered. The inquiry report (Annexure R-1) found all the charges as fully proved. The inquiry report was sent to the applicant by the competent authority, which was delivered to him on 24.05.2001, but the applicant had not submitted his representation against the same. The Disciplinary Authority imposed the punishment of removal from service vide its order dated 29.11.2011.

3.1 It has further been submitted by the respondents that the Trial Court has acquitted the applicant only in misappropriation case in 4 Savings Bank accounts and RPLI accounts. But he has not submitted any order or Court against punishment awarded by Disciplinary Authority for misappropriation of 9 RD accounts for Rs.5350/-.

4. Heard learned counsel for the parties and perused the pleadings available on record.

5. Learned counsel for the applicant advances the same argument as stated in the Original Application.

6. Learned counsel for the respondents submits that the applicant was removed from service after carrying out all the procedure which are required.

7. We have considered the matter and found that the applicant was given all the opportunities under the departmental proceedings and the inquiry was carried out as per the rules. The inquiry had proved all the charges against the applicant.
8. Further, the applicant has not submitted any appeal against the punishment imposed on him. Therefore, we find no merit in this Original Application.
9. Accordingly, the O.A is dismissed. No costs.

(Ramesh Singh Thakur)
Judicial Member
am/-

(Navin Tandon)
Administrative Member