

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

X

Dated the Wednesday 8th day of February Two Thousand And Seventeen

PRESENT:

THE HON'BLE MR. JUSTICE A. ARUMUGHASWAMY, MEMBER(J)
THE HON'BLE SHRI R. RAMANUJAM, MEMBER (A)

O.A. No. 310/00951/2015

M. Mathialagan,
Postal Assistant,
Poonamallee SO,
Chennai- 600 056.

... Applicant

(By Advocate : M/s..S. Arun)

-versus-

1. The Union of India, Rep. by
Director General,
Department of Posts,
Dak Bhawan,
New Delhi- 110 001;
2. The Chief Postmaster General,
Tamilnadu Circle,
Chennai- 600 002;
3. The Director of Postal Services,
O/o. the Postmaster General,
Chennai City Region,
Chennai-600 002;
4. Senior Superintendent of Post Offices,
Tambaram Division,
Tambaram- 600 045.

....Respondents

(By Advocate: Mr. M. Kishore Kumar)

ORAL ORDER

(Pronounced by Hon'ble Mr. Justice A. Arumughaswamy, Member (J))

The case of the applicant is that he is presently working as Postal Assistant in Poonamalle SO, Tambaram Division. He has filed this O.A. to set aside the orders dated 22.1.2010, 18.01.2011 & 23.04.2014 passed by the 4th, 3rd and 2nd respondents respectively whereby they proceeded to reduce the pay of the applicant from Rs. 10990+ 2400 Grade Pay to Rs. 9850/-+2400 with Grade Pay in the pay band of Rs. 5200-20400 with the stipulation that he will not earn any increment during the period of reduction and reduction will have the effect of postponing his future increments of pay as a punishment pursuant to the Charge Memo dated 23.10.2009.

2. It is submitted that the order reducing applicant's pay along with increment cut as well as posting of future increments indefinitely is shockingly disproportionate to the lapse committed by him. Further the overall the amount utilized by Sri S. Ramesh, Gramin Dak Sevak substitute for his personal use from the various postal accounts was Rs. 4,900/- which too was immediately credited back to the respective Postal accounts by the applicant voluntarily with penal interest after the detection of the fraud committed by Sri S. Ramesh, Gramin Dak Sevak substitute. But the punishment awarded to the applicant is disproportionate in nature in comparison to the loss if any sustained by the Department. By virtue of impugned order dated 22.1.2010, the applicant will lose a staggering amount of Rs. 7,16,101/- from February

2010 till his retirement and beyond even if the monetary benefits of the applicant are calculated at bare minimum level.

3. It is stated by the respondents in the reply that while the applicant was working as Sub Postmaster, Poonamallee East Class II SO under Tambaran Division, during verification of minus balances in SB Accounts conducted by the Savings Bank Control Organization (SBCO) of Avadi camp HO, a large scale fraud to the tune of Rs. 2,31,924/- committed by one Shri S. Ramesh who was engaged as substitute GDS Packer came to notice. The applicant while working as SPM had allowed the above outsider to handle the office records and to maintain important SB records such as Long Book/ LOT etc which facilitated him to commit frauds in SB accounts and misappropriation of the deposits received from the deposits at the counter. The case came to notice when the PA-SBCO, Avadi Camp HO visited the Sub office on 2.12.2006, to verify the cases of minus balance in SB accounts. Therefore for the negligence and dereliction of duty which had contributed to the misappropriation committed by the outsider, the applicant was proceeded against under Rule 14 of CCS (CCA) Rules 1965 by the 4th respondents vide Memo dated 15.10.2009 for the following selected articles of charge, stated in brief:-

a. Article I: Sri M. Mathialagan, PA Madhuravoyal, while working as Postal Assistant, Poonamallee East SO, during the period from 16.05.2006 to 18.12.2006, officiated as Sub Postmaster Poonamallee East SO and failed to credit the amount of Rs. 850/- in Poonamallee East SB account No. 5162164 deposited by Smt. S. M. Saboora Begum into Postal Accounts.;

b. Article II:- Sri M. Mathialagan, PA, Maduravoyal while working as Postal Assistant, Poonamallee East SO during the period from 16.05.06 to 18.12.06, on 26.10.06 had failed to account for the deposit amount of Rs. 3000/- in respect SB account No. 5162235 deposited by Smt. B. Selvarani on 26.10.06 into postal accounts. He also failed to place the records like pass book, pay in slip, and

ledger duly posting the deposit entries of Rs. 3000/- made in Poonamallee East SO for checking before the SPM, resulting in non credit of Rs. 3000/- into Post Office account on 26.10.06.

c. Article III. Sri M. Mathialagan, PA, Maduravoyal while working as Postal Assistant, Poonamallee East SO during the period from 15.05.06 to 18.12.06, on 08.08.06, officiated as Sub Postmaster Poonamallee East SO and while working as such he had failed to account for the deposit of Rs. 1050/- in r/o. SB account no. 5161408 deposited by Sr S. Moses Durai on 11.08.06 into Postal accounts .

Having received the charge sheet memo on 28.10.2009, applicant had submitted a written representation dated 31.10.2009 explaining various circumstances and admitting the charges. Inquiry was ordered. Based on the unconditional admission tendered by the applicant, the inquiry officer has submitted his report holding all the three articles of charge framed against the applicant as proved.

4. Considering the representation and other records and the facts and circumstances of the case, the 4th respondent vide order dated 22.01.2010 imposed the penalty, against which applicant had submitted an appeal dated 08.3.2010 to the 3rd respondent, who rejected the same vide memo dated 18.01.2011. Aggrieved by the rejection of the appeal, the applicant preferred petition dated 20.07.2011 to the 2nd respondent who after considering the said petition rejected the petition vide Memo dated 23.4.2014. In view of the above, the respondents prays for dismissal of the O.A.

5. It is not in dispute that all the charges levelled against the applicant are proved. The contention of the applicant is that allowing the said Sri S. Ramesh, an approved Gramin Dak Sevak substitute to manage postal savings bank transactions in time of acute pressure of work had enabled

the said official to misappropriate, the deposit amounts of Rs. 850/-, 3000/- and 1050/- made into the Saving Banks Account by different depositors, for his personnel use without bringing those deposits into postal accounts. In the inquiry, the respondents fixed the responsibility upon the applicant and, thereby, recovered the said amount of Rs. 4,900/- from the applicant. Regular inquiry ordered. Applicant admitted the charges levelled against him. Disciplinary Authority imposed punishment.

6. Against the appeal preferred by the applicant, the appellate authority rejected the appeal. Revision filed by the applicant was rejected stating the reason that all the three charges had been specifically dealt with by the respondents and the respondents had observed in paras 15 and 16 of the order dated 23.04.2014 as under:-

15..... The charges levelled against the petitioner and proved in the departmental inquiry are very serious in nature. The representations dated 31.10.2009 and 20.12.2009 submitted by the petitioner clearly prove that because of his negligence and violation of rules only, the outsider was able to commit the misappropriation. As responsible Government Servant, he was expected to discharge his duties as per rules and not his own convenience. Therefore he is responsible for the misappropriation committed. The appellate authority has rejected the appeal of the petitioner as devoid of merit. No new or worthy points have been raised by the petitioner in this revision petition. A Government servant is the custodian of public money. Any misappropriation should not be tolerated. Further, by accepting charges and for voluntary credit of amount deserve him sympathy but leading new fangled misappropriation.

At a time when Government service is looked down upon as deficient in moral and financial honesty, such kind of activity has to be strictly dealt with. The penalty awarded to the petitioner is found to be commensurate with the gravity of the offence. I do not find any reason to intercede on behalf of the petitioner.

16. Accordingly, I. T. Murthy, Chief Postmaster General, Tamil Nadu Circle, Chennai 600 002 hereby reject the petition dated 20.07.2011 of Shri M. Mathialagan, PA, Madhuravoual SO and confirm the penalty imposed on him vide SSP Tambaram memo No. F1/4-26/06 dated 22.1.2010 which had been confirmed vide appellate order VIG/APP/2-60/2010/CCR dated 18.01.2011 by the appellate authority."

7. In view of the irregularities committed by the applicant and punishment imposed on the applicant confirmed by the appellate authority, we are of the view that the revision petition filed by the applicant was correctly rejected by the respondents by confirming the punishment imposed by the Disciplinary authority and also the appellate authority. Therefore, there is no need to interfere with the orders passed by the respondents. Accordingly, the O.A. is dismissed being devoid of merits. There shall be no order as to costs.