

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.20/570/2012

Date of Order: 19.06.2019

Between:

P. Nagadastagiri, S/o. Babaiah,
Aged about 61 years, Occ: Ex-Branch Postmaster,
Sitharamapuram BO, a/w. Kullur SO,
Proddatur Dn., Kadapah District.

... Applicant

And

1. Union of India, Rep. by its Secretary,
Ministry of Communication & Information Technology,
Dak Bhavan, New Delhi – 01.
2. The Superintendent of Post Offices,
Proddatur Division, Proddatur,
Kadapah District.
3. The Director of Postal Services,
O/o. Postmaster General,
Kurnool Region, Kurnool.
4. The Chief Postmaster General,
A.P. Circle, Hyderabad – 500 001.

... Respondents

Counsel for the Applicant ... M. Venkana

Counsel for the Respondents ... Mr. A. Vijaya Bhaskara Babu,
Addl. CGSC

CORAM:

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

ORAL ORDER***{As per Hon'ble Mr. Justice L Narasimha Reddy, Chairman}***

The applicant was working as Extra Departmental Branch Post Master (for short "EDBMP") at Seetharamapuram Branch Office of Proddatur Division, Kadapa District. Disciplinary proceedings were initiated against him by issuing charge memo dt. 26.02.2007, wherein allegations of misappropriation of funds were levelled against him. However, the charge memo was returned with an endorsement "No such Addressee". Left with no alternative, disciplinary authority appointed an Inquiry Officer through a Memo dt. 10.08.2007. There also, the applicant did not participate. The Inquiry Officer submitted a report holding that the charge framed against the applicant as proved. Taking the same into account, the disciplinary authority passed an order dt. 27.02.2008, removing the applicant from service. The said order is challenged in this OA.

2. The applicant contends that he was not given adequate opportunity to participate in the proceedings and the order of removal is patently illegal. It is also stated that he was tried on the same allegations in CC No. 127/2009 by the Court of the Judicial Magistrate of First Class, Mydukur and through judgment dt. 30.01.2012, he was acquitted in that

case. With these, and other contentions, the applicant challenged the order of removal.

3. The respondents filed a counter affidavit opposing the OA. According to them, the applicant failed to remit sums of Rs.94,375/- and Rs.8,725/- collected from the depositors and accordingly, a charge memo was issued. It is stated that the applicant did not respond to the charge memo nor did he participate in the inquiry and the proceedings were concluded in accordance with law.

4. We heard Mr. M. Venkanna, learned counsel for the applicant and Mr. B. Laxman, learned proxy counsel representing Mr. A. Vijaya Bhaskar Babu, learned Standing Counsel for the respondents.

5. It is rather unfortunate that the applicant, who was functioning as Branch Postmaster, has chosen to refuse to receive the charge memo and it was returned with an endorsement "No such Addressee". Assuming that the endorsement came to be made under peculiar circumstances, at least, when he became aware of the proceedings, he ought to have participated. He was adamant and did not participate. The only explanation coming forth from the applicant is that the respondents initiated criminal proceedings against him and that, he felt it inappropriate to participate in the proceedings during the pendency of the criminal case. The record discloses that the criminal case was registered in the year 2009, whereas charge memo was issued in 2007.

6. The allegations made against the applicant are very serious and he did not make any attempt to prove that he had deposited the amount collected by him from the depositors. Left with no alternative, the Inquiry Officer submitted a report basing upon the record and held that charge as 'proved'. Since the charge against applicant is very serious in nature, punishment of removal was imposed.

7. The OA is filed four years after the removal from service. The only explanation offered by the applicant is that the acquittal in the criminal case through judgment dated 30.01.2012 constituted the basis for him. A perusal of the judgment of the criminal court discloses that the applicant was acquitted by giving benefit of doubt. There also, the applicant did not elicit from any witness, that he has deposited the amount said to have been misappropriated.

8. We, therefore, do not find any merit in the OA and the same is accordingly dismissed.

9. There shall be no order as to costs

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

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

(Dictated in open court)
Dated, the 19th day of June, 2019

evr