

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

Original Application No.21/186/2013

Reserved on: 05.07.2019

Pronounced on: 18.07.2019

Between:

Sri K. Prasada Rao,
S/o. K. Yerraiah, Aged 42 years,
Ex-GDS BPM, Singavaram BO,
A/w. Bhadrachalam HPO, Khammam Division.

... Applicant

And

1. Union of India,
Represented by its Secretary,
Ministry of communications,
Department of Posts, Dak Sadan,
New Delhi.
2. The Post Master General,
Vijayawada Region,
Vijayawada – 520 003 (AP).
3. The Director of Postal Services,
O/o. Postmaster General,
Vijayawada Region, Vijayawada – 520 003.
4. The Superintendent of Post Offices,
Department of Posts,
Khammam Division, Khammam – 507 003.

... Respondents

Counsel for the Applicant ... Mr. T.L.K. Sharma

Counsel for the Respondents ... Mr. A. Surender Reddy,
Addl. CGSC

CORAM:

Hon'ble Mr. A.K. Patnaik, Member (Judl.)
Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORDER
{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }

2. The OA filed challenging the penalty of removal from service.
3. Applicant while working as Grameen Dak Sewak –Branch Post Master (GDS-BPM) was issued Memo on 18.9.2007 under Rule 10 of GDS (Conduct and Employment) Rules 2001 for alleged withdrawal of funds from National Rural Employment Guarantee Scheme (NREGS) Savings Bank accounts maintained in the Branch Post Office, without the knowledge of account holders. Inquiry was conducted and based on the Inquiry Report, Disciplinary authority imposed the penalty of Removal from service on 31.12.2008. Appeal and Petition preferred were also rejected on 29.12.2009 and 17.2.2012 respectively. Aggrieved, OA has been filed.
4. The contentions of the applicant are that the charges have not been proved and the concerned account holders have deposed during the inquiry that no inconvenience was caused. Statements of the account holders given at the preliminary inquiry were taken under duress. Asst. Supdt. of Post Offices, who investigated the matter has corrected the amounts in the statements. Applicant has put in 8 years of service without any blemish. The mistake on his part occurred due to pressure of work. Other similarly situated employees who were facing similar charges have been reinstated but he has been discriminated by imposing a penalty disproportionate to the offense committed.

5. Respondents state in the reply statement that the applicant while working as BPM on a provisional basis, committed frauds to the extent of Rs.9067/- in savings account and in 18 NREGs accounts during the period 24.2.2006 to 9.10.2006. Consequently, Rule 10 Memo was issued on 18.9.2007 and based on a report submitted after detailed inquiry conducted from 2.11.2007 to 9.9.2008, disciplinary authority i.e. respondent No.4 imposed the penalty of removal on 31.12.2008 which was confirmed by the appellate authority i.e. 3rd respondent and petition authority i.e. the 2nd respondent on 29.12.2009 & 17.2.2012 respectively.

6. Heard both the counsel and perused the pleadings on record.

7. I) Applicant while working as provisional Branch Post Master had to discharge the function of disbursing wages under NREGS to the beneficiaries therein by depositing the amounts received from the State Govt. in the respective accounts. Besides, he has to the discharge the responsibility of properly conducting the Savings Bank accounts maintained in the Branch Post office. While the job design being so, the Mandal Parishad Development Officer, Dummagudem has complained about non-credit of NREGS wages in the Branch Post Offices manned by the applicant. On inquiry it was revealed that a total sum of Rs.9,067 was defrauded by forging the signature of the SB account holder bearing the account No.307357 for Rs.2,200 and the balance of Rs.6,867 by misappropriation of funds in 18 NREGS Savings Bank accounts operated in the Branch Post office manned by the applicant. A detailed inquiry

was conducted by appointing a Presenting officer and Inquiry officer. The inquiry proceeded based on documentary evidence. The inquiry reveals that the depositors were put to utmost inconvenience by non payment of NREGS wages and hence the Mandal Parishad Development Officer had to inform the concerned Asst. Supdt of Post offices (ASP) to investigate the matter. As a result, the fraud came to light. Hence, it is not correct that the depositors were not put to inconvenience, as submitted by the applicant. It is also evident from the depositions of the account holders that they were never forced to give statements by the investigating officer (Assistant Superintendent of Post Offices – ASP) against the applicant in the preliminary inquiry. Therefore, this assertion of the applicant does not stand to reason. Regarding corrections made in regard to figures in the statements given by the account holders, the concerned ASP has admitted that he made the corrections with the approval of those who gave the original statements. However, the main charge against the applicant is not about corrections in regard to the amount but about forging of signatures of the account holders to draw money illegally. The corrections made are procedural in nature and that too, with the consent of those who gave the statement. Further, applicant claiming that the mistakes occurred because of pressure of work, is not tenable since pressure of work may cause clerical errors and not forging of signatures. Signatures are forged wilfully with a bad intent which cannot be ignored because such an action undermines the public confidence which the members of the Public have in the Postal Organisation. Further, the charges are grave in nature and involve moral turpitude. Inquiry report confirms that the charge is proved and thus

demolishes the submission of the applicant that the charge is not proved. Disciplinary authority has imposed the penalty of removal considering the gravity of the offences by issuing a speaking and a reasoned order. Similarly, appellate as well as the Petition authority have confirmed the penalty by issue of a speaking and well reasoned order. Applicant claimed that others who have committed similar mistakes have been let off without giving details. Anyone who commits a fraud has to be dealt as per rules in vogue. The applicant has every right to bring such instances, if any, to the notice of the respondents for taking action deemed fit. The applicant's submission that he had a blemishes record of 8 years would not in any way obliterate the offence he has committed of defrauding public funds.

II. It is not out of place to state that the applicant after joining as BPM, Singavaram Branch Post Office, on a provisional basis in the respondents organisation on 26.6.1998 has opposed the efforts of the respondents to fill up the post on regular basis, by filing OA 1527 of 2000 in this Tribunal, which being dismissed on 30.10.2000, filed WP No.25899/2000 and continued in the said post till the WP was finally dismissed on 27.7.2010. While working on a provisional basis the fraud was committed, which obviously does not reflect well in regard to the integrity and the conduct of the applicant. Respondents organisation has more than 1.25 lakhs Branch Post Offices providing banking services exclusively in the rural areas. The value of the deposits in the Post Offices is more than 6 lakh crores, which speaks about the immense

public confidence in the Post Offices. The action of the applicant certainly dents the Public confidence and is definitely not in the best interests of the Respondents Organisation.

II) Therefore, keeping the above in view, there are no grounds to intervene on behalf of the applicant. The OA is devoid of merit. Hence it is dismissed with no order as to costs.

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

(A.K. PATNAIK)
MEMBER (JUDL.)

Dated, the 18th of July, 2019

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