

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.333/2003

this the 16th day of April, 2004

Hon'ble Shri Shanker Raju, Member (J)
Hon'ble Shri S. A. Singh, Member (A)

Shri S.S.Naulakha
S/o late Shri Dhiri Singh,
Public - Relation Inspector (Postal)
Head Postoffice - Mathura (U.P.).

Residential Address

230/40 Chandra Lok Colony,
Krishna Nagar, Mathura (U.P.).

(By Advocate: Shri D.P.Sharma)

Vs.

1. Union of India through
Secretary,
Ministry of Communication,
Department of Posts, Sansad Marg,
New Delhi.
2. The Director Postal Services,
O/o the Postmaster General,
Agra Region - Agra.
3. The Senior Superintendent of Postoffices,
Mathura Division, Mathura.

... Respondents.

(By Advocate: Shri N.S.Mehta)

O R D E R (ORAL)

By Shri Shanker Raju

Heard the parties..

2. Vide order dated 22.10.2002, a minor penalty, imposed upon the applicant for recovery of Rs.35224/- in 14 instalments of Rs.2516/- has been assailed as well as the appellate order dated 16.1.2003 upholding the punishment.

(2)

3. While working as APM Mathura, Jait Headquarter (SB-III) dealing with the S.B. work of Jait EDSO for the period 1.9.95 to 30.9.97, it has been alleged through a minor penalty chargesheet against the applicant that he failed to call for the Pass Books of SB Accounts of Jait Post Office for verification of balance and had not paid any attention to the Pass Book issued by Ledger Assistant and he also failed to notice irregularities in the accounts.

4. The aforesaid chargesheet which has culminated in the punishment of recovery of Rs. 35,224/- from the applicant has been upheld by the appellate authority which gives rise to the present OA.

5. Learned counsel for the applicant, Shri D.P.Sharma assails the impugned orders on the ground that there is no violation of Rule 38(1) and 31 (III) of the Post Office SB Manual. According to the learned counsel, applicant was on leave and worked from 23.3.96 to 1.4.96 as Public Relation Inspector and as such without any rule, he cannot be held guilty to the misconduct.

6. It is further stated that relying upon the decision of Cuttack Bench in OA 270/1991 in the case of Satyabadi Barik Vs. Union of India and Others decided on 8.12.94 that unless it is established that the negligence on the part of the government servant in any manner had a link with the loss sustained by the government no punishment can be imposed.

7. It is further stated that contentions of the applicant had neither been taken into consideration by the disciplinary nor by the appellate authorities.

8. On the other hand, learned counsel for the respondents, Shri N.S.Mehta contends that the decision of the Apex Court in State of Tamilnadu Vs. Thiru K.V.Perumal and Others {(1996) 5 SCC 474} precludes the Tribunal from reappraising the findings in judicial review. Learned counsel states that the statement of the applicant dated 3.7.98 clearly shows that he had admitted to have worked as APM dealing with the APM SB Jait EDSO and his signature in red ink on these dates has proved his misconduct. As he could not, according to him, detect the irregularities due to rush of work sufficient enough to hold him guilty of carelessness in his supervisory work, which has resulted in a huge loss to the tune of Rs.1,88,447.70/- as incurred by the respondents, out of which recovery of Rs.35224/- cannot be said to be excessive.

9. Learned counsel for the respondents states that notice has been issued in consistence with the rules and detailed orders had been passed, which cannot be interfered, as such findings are neither perverse nor can it be said to be a case of no misconduct.

10. On careful consideration of the rival contentions of parties, we find that merely because the applicant proceeded on leave for a specified period as per his own admission in the written statement, and, as

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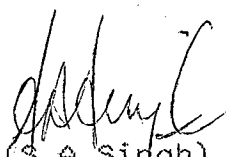
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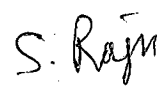
his signatures have been found, while dealing with the SB work of Jait EDSO due to over rush of work, cannot be countenanced. Due to lack of supervision and negligence, department has incurred a huge loss.

11. As regards the decision of the Cuttack Bench is concerned, the applicant being a supervisory officer is delegated to check difference of balance between the Headquarters Ledger card as noted as SB-7, which he failed to do so, clearly, and conclusively points towards his guilt, which has been proved.

12. The punishment order of the disciplinary authority as well as appellate order are reasoned dealing with the contentions of the applicant.

13. We are satisfied that the principles of natural justice have been followed and the orders have been passed in accordance with law. No infirmities are found in the order. Accordingly, finding the OA bereft of merit, it is dismissed. No costs.


(S.A. Singh)
Member(A)


(Shanker Raju)
Member(J)

/kdr/