

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTINGS: BILASPUR

Original Application No.203/01141/2018

Bilaspur, this Thursday, the 21st day of November, 2019

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE SHRI B.V. SUDHAKAR, ADMINISTRATIVE MEMBER

Chandan Das Vaishnav S/o Late Shri Sukhram Das Vaishnav aged
about 58 years, R/o Village & Post Siltara Vhaya Takhatpur Distt.
Bilaspur (C.G.) 495335 **-Applicant**

(By Advocate-**Shri A.V. Shridhar**)

V e r s u s

1. Union of India, Through the Secretary Ministry of
Communication and Information Technology Department of Posts
Dak Bhawan Parliament Street New Delhi 110116
2. The Chief Post Master General, Chhattisgarh Circle, GPO
Building Raipur (C.G.) 492001
3. Director Postal Services Raipur Division, Raipur (C.G.) 492001
4. Superintendent of Post Office, Bilaspur Division Head Post
Office Bilaspur (C.G.) 495001
5. Sub Post Master, Takhatpur Distt-
Bilaspur (C.G.) 495330 **- Respondents**

(By Advocate-**Shri Vivek Verma**)

O R D E R (Oral)

By Ramesh Singh Thakur, JM:-

Through this Original Application the applicant is challenging the action of the respondents by which the applicant had been directed to deposit a sum of Rs.17,40,000/- towards alleged excess payment to the beneficiaries under the Government Scheme.

2. The applicant has prayed for the following reliefs:-

“8.1 That, this Hon’ble Tribunal may kindly be pleased to call the entire records of the case from the respondents.

8.2 That, this Hon’ble Tribunal may kindly be pleased to direct the respondents to refund a sum of Rs.17,40,000/- (Seventeen Lakhs Forty Thousand Only) to the applicant carrying an interest of Rs.18% from the date of deposit.

8.3 Cost of the petition be awarded to the applicant.

8.4 Any other relief which the learned Tribunal deems fit and proper may be awarded.”

3. Precisely the case of the applicant is that the applicant was working as Branch Post Master, Siltara Takhatpur. The respondent No.5 issued a letter dated

05.02.2015 (Annexure A/1) alleging excess payment of Rs.17,00,000/- to the beneficiaries of various Government Scheme and to deposit the same in the office by 11.02.2015 otherwise criminal proceedings will be initiated against the applicant. The applicant deposited the said amount on 10.05.2015 to respondent No.5. The applicant was also directed to deposit a sum of Rs.40000/-. The same was also deposited vide receipt dated 06.01.2017 (Annexure A/3). Thereafter the applicant was served with charge memorandum on 15.06.2018 (Annexure A/4) alleging excess payment of Rs.4860/-. The applicant submitted various representations dated 17.01.2017, 08.08.2017, 22.08.2017, 19.09.2017, 19.05.2018 and 26.06.2018 (Annexure A/5 colly.) to refund the amount deposited on account of alleged excess payment. The respondents in response to representation dated 19.05.2018 has directed the applicant to submit the receipt of sum of Rs.17,00,000/- deposited vide letter dated 18.07.2018 to which the applicant vide letter dated 25.07.2018

(Annexure A/6) submitted the receipt of the same amount. However neither the amount has been refunded nor the applicant has been allowed to join his duties.

4. The respondents in their reply have submitted that the Branch Postmaster Siltara was issued a letter dated 05.02.2015 by the Sub Postmaster Takhatpur to deposit the excess paid amount of Rs.17,00,000/- towards MNREGA wages payment. While workings as Branch Post Office Siltara the applicant deposited the said amount by cash at Takhatpur Sub Post Office on 10.02.2015. Detailed enquiry was ordered and during the inquiry several irregularities was found and the applicant was put off from duty by the Assistant Superintendent of Post Offices. Vide memo dated 30.07.2015 put off allowance was allowed to the applicant. During the initial investigation of the case, the irregularities of total amount of Rs.40000/- were found and was recovered from the applicant on 06.01.2017. The committee of three members was formed for detailed enquiry into the matter. Charge sheet under Rule 10 of

Gramin Dak Sevak (Service and Conduct) Rule 2011 was issued to the applicant vide memo dated 15.06.2018. The applicant denied all the charges leveled against him and demanded departmental enquiry which is under progress and the accounts in which excess payment has been taken into account by the Branch Postmaster Siltara could be traced only after completion of ledger posting which is still in progress.

5. Heard the learned counsel for both the parties and have also gone through the documents attached with the O.A.

6. From the pleadings it is clear from the charge sheet Annexure A/4 wherein Article I state that applicant while working as GDS Branch Siltara Takhatpur w.e.f.30.12.1975 to 30.05.2015 has shown the excess payment of Rs.4860/- in MNREGA account to the beneficiaries. It is clear from the pleadings that the applicant has deposited an amount of Rs.17,40,000/- specifically from Annexure A/2 and A/3 and also clear

from the reply furnished by the respondent department. From the pleadings itself it is clear that inquiry proceeding is pending and still going on and charge sheet has been issued only in excess of payment of Rs.4860/-. In view of this, the impugned action of the respondent department for asking the applicant to deposit Rs.17,40,000/- is total against the law and also against the principle of natural justice and without following any provisions of law. It is relevant to note that in regard to excess payment made no separate charge sheet has been issued nor any disciplinary proceedings has been initiated by the respondent-department except Annexure A/4.

7. In view of the above position the action of the respondent department for recovery of amount of Rs.17,40,000/- is illegal and against the principle of natural justice as the so called action has been taken without following any disciplinary proceedings or inquiry. Accordingly, the respondents are directed to refund the money deposited by the applicant within a period of 90

days from the date of receipt of a certified copy of this order failing which the respondents shall pay the interest @8% thereafter.

8. Needless to say that we have not touched the disciplinary proceedings regarding Annexure A/4.

9. With these directions, this Original Application is disposed of. No costs.

(B.V. Sudhakar)
Administrative Member

(Ramesh Singh Thakur)
Judicial Member

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