

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application No.21/1238/2015

Hyderabad, this the 28th November, 2019



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

J. Sudhakar Rao,
S/o. Chokka Rao,
GDSBPM, Removed,
Ootai BO, A/w. Kothaguda SO,
Age about 56 years,
R/o. Ootai, Kothaguda, Warangal Dist.

... Applicant

(By Advocate Sri P. Krishna Murthy)

vs.

Union of India, Rep. by

1. The Director General,
Postal Dept.,
Telangana State,
Hyderabad – 500 001.
2. The Director of Postal Services,
Hyderabad Region,
Hyderabad – 500 001.
3. The Superintendent of Post Offices,
Warangal Division, Warangal.

... Respondents

(By Advocate Sri A. Vijaya Bhaskar Babu, Addl. CGSC)

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



The applicant was appointed as Grameen Dak Sevak Branch Postmaster (GDSBPM), Ootai Branch Post Office, Kothagudem Sub-Office, Warangal Division in the year 1976. In the year 2011, he is said to have fallen sick and entrusted the duties of the Branch Post Office to another person, with the permission of the concerned authorities. Inspection was conducted in January 2012 and it was noticed that a sum of Rs.12,702/-, which is mostly in the form of premia of Rural Postal Life Insurance scheme, collected from the policy holders, was not remitted. Applicant deposited the said amount in February 2012. Thereafter, a charge memorandum was issued on 11.01.2013 requiring the applicant to explain as to why suitable punishment be not imposed against him. As many as six Articles of Charge, referable to six policy holders were issued.

2. Applicant submitted his reply denying the allegations. Not satisfied with the same, disciplinary authority appointed Inquiry Officer and the latter, in turn, submitted his report on 27.06.2014 holding the charges as proved. Taking the same into account, the disciplinary authority passed an order on 16.07.2014 imposing the punishment of removal from service with immediate effect. The appeal preferred by the applicant was rejected on 25.06.2015. Hence, this OA.

3. The applicant contends that very fact that the amount was remitted in the department hardly within one month from the date of inspection reveals

that there was no intention on his part to misappropriate the same. It is also stated that the charge memo itself was issued about one year after the remittance and by the time charge memo was issued, there was no case of misappropriation or even of delayed payment. Applicant further contends that the punishment imposed against him is highly disproportionate and that his livelihood has been taken away, for a minor lapse. He placed reliance on an Order of this Tribunal dt. 14.09.2018 in OA 1351/2012.



4. Respondents filed a detailed counter affidavit opposing the OA. It is stated that the applicant has admitted the lapses on his part and the charges virtually stood proved. It is stated that the misappropriation of funds collected from the poor subscribers is very serious in nature and that the disciplinary authority has passed an order of removal, duly taking into account the gravity of the charge.

5. We heard Mr. R. Mohanti, learned proxy counsel representing Mr. P. Krishna Murthy, and Mr. A. Vijaya Bhaskar Babu, learned Standing Counsel for the respondents.

6. Applicant was functioning as GDSBPM in a remote village in Warangal District. Though it is stated by the applicant that he arranged for a Substitute in the year 2011, we do not find any proof for it. Therefore, we are proceeding as though applicant alone was running the Branch Post Office at the relevant point of time.

7. Inspection was conducted in January 2012 and it was noticed that a sum of Rs.12,702/- was not remitted. With the permission of the respondents, applicant deposited the amount partly on 02.02.2012 and partly on a subsequent date. Even while permitting the applicant to remit the amount, respondents stated that the applicant defrauded the subscribers.



8. If there was any serious lapse on the part of the applicant, respondents were expected to issue charge memo immediately after the inspection. Nearly one year thereafter, charge memo was issued and by that time, the amount was already deposited.

9. In the ordinary course of things, one may treat the lapse as an act of misconduct. However, if one takes into account, the fact that the post offices are established in remote rural areas, there is bound to be some delay in remittance of the amounts collected through various sources. In the instant case, delay is about one month. It was not even alleged that the applicant has resorted to any acts of misappropriation or misconduct in his 35 years of service. He cannot be imposed the maximum penalty of removal on account of such a non-serious lapse. Similar situation was dealt with by this Tribunal in OA 1351/2012 and it was held that the punishment of removal is too harsh. Reference was made to the judgments rendered by the Hon'ble Supreme Court on the subject. Same situation obtains in the instant case also.

10. We therefore allow the OA and set aside the impugned orders dt.16.07.2014 and 25.06.2015. We, however, leave it open to the

disciplinary authority to impose punishment other than the one of removal or dismissal from service, within a period of six weeks from the date of receipt of this order, after reinstating the applicant. The manner in which the period during which the applicant was out of service shall be dealt with in the said order.



11. There shall be no order as to costs.

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

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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