

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

Original Application No.20/717/2019

Date of Order: 14.08.2019

Between:

P. Sunkanna, S/o Sunkanna, Aged about 46 years
Occ: Gramin Dak Sevak Mail Delivery (Removed)
R/o H.No.1-41/3, Mandapam Street
Owk Mandal, Kurnool Dist, Andhra Pradesh 518122. Applicant

AND

1. Union of India
Represented by the Secretary
Department of Posts
Ministry of Communications & Information Technology
Dak Bhavan, Sansad Marg, New Delhi.
2. The Chief Postmaster General
A.P.Circle, Vijayawada
Krishna Dist., Andhra Pradesh.
3. The Postmaster General
Kurnool Region, Kurnool, Andhra Pradesh – 518002.
4. The Superintendent of Post Offices
Nandyal Division, Nandyal
Kurnool Dist., Andhra Pradesh – 518 502.
5. The Inspector of Posts
Banaganapalle Sub Division
Banaganapalle, Kurnool
Andhra Pradesh – 518 124. Respondents

Counsel for the Applicant ... Mr. M.C.Jacob.
Counsel for the Respondents ... Mr. B. Laxman, proxy of Mrs. K. Rajitha,
Sr. CGSC.

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER

2. The OA is filed challenging the removal of the applicant from service.

3. Brief facts of the case are that the applicant, while working as GDSMD in the respondents organization, has defaulted in accounting for payment of Rs.22,440/- paid to him in MPKBY by an account holder. Later, realising the mistake, applicant remitted the amount to the Government account. Thereafter, applicant was proceeded on disciplinary grounds vide Charge Memo dated 26.09.2017. The inquiry was conducted and the charges were stated to be proved by the inquiry officer. Based on the inquiry report, respondents imposed the penalty of removal vide order dated 26.02.2018. In the meanwhile, applicant remitted a sum of Rs.7,00,751/- to the Government account in 8 instalments. Against the penalty imposed, an appeal was preferred and the same was rejected on 25.07.2018. Applicant then preferred a petition which was also rejected on 18.12.2018. Applicant did not give up, but submitted a mercy petition on 04.07.2019. The said mercy petition has not been disposed of, and, therefore, the OA has been filed.

4. The contentions of the applicant are that applicant was forced to accept the charges and made to remit the alleged amount. Even after

remitting the amount to the Government account, he has been removed from service. The appeal was rejected without considering the health condition and also not taking into cognizance that a sum of Rs.7,00,751/- was credited to the Government account during the year 2017-2018. The defrauded amount being only Rs.22,440/-, but, yet, the respondents recovered a huge sum of Rs.7,00,751/- from the applicant. The aspect was not duly examined while rejecting the appeal.

5. Though the issue pertains to Division Bench, yet, with the consent of both the counsel, even without filing of the reply by respondents, the OA was heard to dispose of the same with a limited direction to decide the mercy petition, which was filed by the applicant, by the respondents.

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

7. (I) The applicant is alleged to have committed frauds in Recurring Deposit Accounts by misusing the MPKBY Agency, standing in the name of Smt. K.Nagalakshmi, who is the daughter of his brother. The applicant admitted the fraud unconditionally during the inquiry and for the same, he was removed from service, vide order dated 26.02.2018. The appeal and petition have been rejected by the competent authorities. The applicant was also paid compensation equivalent to 25% of TRCA as per rules during the period of put off duty. While disposing of the petition, the competent authority has stated that the

amount defrauded is Rs.2.5 lakhs by misusing the MPKBY Agency standing in the name of his relative.

(II) The applicant preferred a mercy petition, to 2nd Respondent on 04.07.2019, on the ground that he was involved in a Motor Cycle Accident, which has caused severe damage to his stomach. In order to meet the hospital expenditure, he has used the defrauded amount. This fact was admitted during the inquiry. Due to the accident, the applicant has stated that he has been physically disabled and, therefore, he is not in a position to take employment. The family is living in indigent circumstances. Though the amount defrauded is only Rs.22,440/- but still sum Rs.7,00,751/- was recovered on the dates indicated in Annexure A-VI of the OA. The applicant preferred mercy petition, on various grounds stated therein.

(III) It is seen from the facts of the case that the applicant has admitted the fraud, he has committed, and he has also remitted for an amount of around Rs.7 lakhs for the same. The petitioning authority while disposing of the petition on 18.12.2018, has confirmed that the fraud committed by him is only Rs.2.5 lakhs. This being so it is not clear as to why an amount of nearly Rs.7 lakhs has been recovered. Therefore, keeping the above facts in view, the interest of justice would be met if a direction is issued to 2nd Respondent to dispose of the mercy

petition preferred by the applicant, within a period of 8 weeks from the date of receipt of a certified copy of this order, by issuing a speaking and a well reasoned order to the applicant. Accordingly, ordered.

With the above direction, the OA is disposed of at the admission stage, without going into the merits of the case. There shall be no order as to costs.

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

Dated, the 14th day of August, 2019

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