

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6950 OF 2005

Gorakhnath S/o Pandurang Jagtap .. Petitioner

Versus

The Union of India and others .. Respondents

Shri T. B. Bhosale, Advocate for the Petitioner.

Shri S. B. Deshpande, Assistant Solicitor General for Respondent
Nos. 1 to 4.

**CORAM : S. V. GANGAPURWALA AND
A. I. S. CHEEMA, JJ.**

DATE : 09TH APRIL, 2015.

PER COURT :

. The petitioner was appointed as a postman in the year 1966. An enquiry was conducted in respect of four charges. The petitioner was exonerated of Charge No. 4, however is held guilty for first three charges. The appointing authority imposed punishment of dismissal from service. The petitioner filed appeal before the Appellate Authority. The appellate authority dismissed the appeal. Aggrieved thereby the petitioner filed original application before the Central Administrative Tribunal. The Central Administrative Tribunal dismissed the original application. The petitioner assails the said order in the present writ petition.

2. Mr. Bhosale, the learned counsel for the petitioner submits that, the charges against the petitioner are not proved. The enquiry is in the nature of *quasi judicial* enquiry. The principles of natural justice are required to be adhered. Non adherence of the same vitiates the enquiry. The learned counsel relies on the judgment of the Apex Court in a case of **Anil Kumar Vs. Presiding Officer** reported in (1985) 3 SCC 378, so also another judgment in a case of **Ranjit Thakur Vs. Union of India and others** reported in AIR 1987 SC 2386.

3. The learned counsel submits that, the punishment imposed is also shockingly disproportionate to the charges leveled. The learned counsel submits that, the enquiry officer has not assessed the evidence on record properly and thereby arrived at erroneous conclusion. The Tribunal did not consider this aspect properly. The petitioner be reinstated in service and be granted backwages and all monetary benefits arising therefrom.

4. We have considered the judgment delivered by the Tribunal, the enquiry proceedings and the submissions made by Mr. Bhosale, the learned counsel for the petitioner. It is trite that, this Court in its jurisdiction under Article 226 of the Constitution of India would not re-appreciate the whole evidence and would only consider adherence to the proper procedure and principles of natural justice being followed. The proceedings in the enquiry would depict that the enquiry officer had given an

opportunity of cross examination of witnesses to the present petitioner. The petitioner was also given every opportunity to lead the evidence. There is no violation of principles of natural justice. We may ignore even charge No. 1, wherein by mistake payment was made to another person. For the charge No. 1 the punishment imposed certainly would be disproportionate. But charge No. 2 is more serious in nature that is retaining some part of the amount of money order payable to the payee. It is not case of solitary incident. Three persons have lodged complaints and deposed before the enquiry officer. Even the villagers have also filed complaints about the activity of the petitioner in withholding some amount from the amount of money order payable to respective payees. The said charge is serious. The enquiry officer has considered the evidence adduced by three complainants. Even, the petitioner was given opportunity to cross examine these complainants.

5. No procedural irregularity has been pointed out. In the light of the above, no error can be found in the judgment delivered by the Tribunal. The writ petition as such is dismissed. Rule discharged. No costs.

[A. I. S. CHEEMA, J.]

[S. V. GANGAPURWALA, J.]