

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2015

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P.No.32309 of 2015

M.Srinivasan

... Petitioner

Vs.

1. Union of India
Rep. By the Director of Postal Services,
Chennai City Region,
Anna Salai, Chennai - 600 002
 2. The Senior Superintendent of Post Offices,
Tambaram Division,
Tambaram,
Chennai - 600 045
 3. The Registrar,
Central Administrative Tribunal
Chennai - 600 104
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for a Writ of Certiorarified Mandamus to call for the records pertaining to the order of the 3rd Respondent which is made in O.A.No.773 of 2011 dated 03.07.2014, quash the same and consequently direct the Respondents 1 and 2 to reinstate the Petitioner into service with all service benefits.

For Petitioner : Mr.R.Malaichamy

For Respondents : Mr.Namonarayanan
1 & 2

O R D E R

[Order of the Court was delivered by M.VENUGOPAL, J.]

The Petitioner has preferred the instant Writ of Certiorarified Mandamus praying for passing of an Order by this Court relating to the Order of the 3rd Respondent/Central Administrative Tribunal, Chennai made in O.A.No.773 of 2011 dated 03.07.2014 and to quash the same. Further, the Petitioner has also sought for passing of an Consequential Order in directing the Respondents 1 and 2 to reinstate him into service with all service benefits. The 3rd Respondent/Central Administrative Tribunal, Madras Bench while passing the Order in O.A.No.773 of 2011 dated 03.07.2014 (filed by the Petitioner/Applicant) in Paragraph No.10 had observed the following and resultantly dismissed the Original Application.

"10. We have carefully gone through the Order of the Disciplinary Authority dated 18.02.2010. We find that the Disciplinary Authority has elaborately considered the findings of the inquiry officer and also considered the various points raised by the applicant in his written statement submitted in response to inquiry officer's report. The Disciplinary Authority has specifically observed that the specimen signature was not attested by the SPM which was remarked by the charged official himself and the responsibility of identifying the so called joint holder S.Mani wholly lies with the charged official and he has just thrown away his responsibility and allowed withdrawal of the said amount. We find that the Disciplinary Authority has passed a speaking order while imposing the penalty of removal from service. Again we have gone through the Appellate Authority's order. The applicant has raised number of points in his appeal and the Appellate Authority has considered each of these points totaling 33 points and has clearly recorded his findings on each of these points. The order passed by the Appellate Authority, has elaborately dealt with the complete facts of the case, the inquiry process and the facts established during the inquiry. The charges leveled against the applicant have been clearly established and these have been considered by the Disciplinary Authority as well as by the Appellate Authority and both have concluded that the penalty of removal from service is proportionate to the gravity of the charges in this case".

2. Assailing the validity and legality of the Order dated 03.07.2014 in O.A.No.773 of 2011 passed by the 3rd Respondent / Central Administrative Tribunal, Chennai, the Learned Counsel for the Petitioner contends that the charges levelled against the Petitioner are vague and not specific and furthermore, a single charge is split up into three charges to make it appear more serious one. As such, the action of the 2nd Respondent/Senior Superintendent of Post Offices, Tambaram Division, Tambaram, Chennai - 45 is arbitrary and illegal one.

3.The Learned counsel for the Petitioner submits that before issuing charge sheet to the Petitioner, the Petitioner was required to deposit a sum of Rs.1,25,000/- into Post Office Account's by the 2nd Respondent/Senior Superintendent of Post Offices, Chennai as per his Order dated 21.05.2009 alleging contributory negligence. As a matter of fact, the charge was framed against the Petitioner on 02.06.2009 and therefore, it is evident that the 2nd Respondent / Senior Superintendent of Post Offices, Chennai had already made upon his mind to punish the Petitioner and thereby the 'Inquiry Officer' conducted the 'Inquiry' in total violation of the Principles of Natural Justice with a view to get their desired result. However, these aspects were not taken into account by the 3rd Respondent/Administrative Tribunal at the time of passing of the Order in Original Application.

4.According to the Learned Counsel for the Petitioner, the Petitioner had issued a reply dated 29.05.2009 to the letter dated 21.05.2009 of the 2nd Respondent/Senior Superintendent of Post Offices, Chennai - 45 stating that he had not caused any loss to the 'Department' and further he could not be held responsible for the alleged lapses and irregularities. Only under the aforesaid circumstances, the 2nd Respondent/Senior Superintendent of Post Offices, Chennai had issued a 'Memorandum of Charges' dated 02.06.2009 to the Petitioner in terms of Rule 14 of Certificate of Civil Service [CCA] Rules, 1965.

5.The Learned Counsel for the Petitioner projects an argument that the allegations levelled against the Petitioner are that,

(i) E.Vedagiri was allowed to access the Post Office Records to complete the pending work, without obtaining permission on 20.05.2006 and 26.05.2006 and thereby helped Vedagiri to withdraw Rs.3,00,000/- on 20.05.2006 and Rs.40,500/- on 26.05.2006 from Savings Bank Account No.5782267.

(ii) E.Vedagiri visited Polichalur Post Office on 20.05.2006 and 26.05.2006 and that the Petitioner received the application for withdrawal of Rs.3,00,000/- on 20.05.2006 and Rs.40,500/- on 26.05.2006 from E.Vedagiri and payment was made through the fictitious joint account holder on 26.05.2006 in the said account.

(iii) That he failed to obtain the identification of E.Vedagiri. Though the signature 'S.Mani' did not tally with the specimen signature and effect payment of Rs.3,00,000/- on 20.05.2006 and Rs.40,500/- on 26.05.2006 from the said account.

6.The Learned Counsel for the Petitioner contends that in the inquiry, it was not established that S.Mani was a fictitious Joint Account Holder and that no evidence was produced to support that allegation. Added further, it is represented on behalf of the Petitioner that there were ample evidences to prove that the said Mani was a genuine Joint Holder, duly authorised by the depositor one K.N.Ramanathan by submitting a letter for conversion of the single account into joint account and revised SB(3) card with letter. Furthermore, all the documents were forwarded to the Head Office for incorporating the conversion in the H.O.records. Apart from that a copy of the H.O. Leger in respect of Polichalur S.O., S.B.Account No.5782267 was filed as DE 2 and was identified by the Assistant Superintendent of Post Offices, Tambaram Sub Division (SW-7) and these facts confirmed that the conversion was done in accordance with the prescribed Rules and as such S.Mani could not be termed as fictitious 'Account Holder'.

7.Advancing his argument, the Learned Counsel for the Petitioner brings it to the notice of this Court that the evidence of SW-1, 2 and 3 deposed that they could not furnish the exact date of deposit of E.Vedagiri. Also that, it is projected on the side of the Petitioner that Postwoman, Mrs.Tarageswari (SW1) was not certain about date of visit of Vedagiri and she was not aware of the pending work. Moreover, the Presenting Officer had not put any question on the SE-1 to SE-3 in the Chief Examination of SW-7 and in fact, the witness had also not spoken about E.Vedagiri.

8.The Learned Counsel for the Petitioner submits that E.Vedagiri categorically denied his visit during his leave e 'Medical Grounds' from 16.05.2006 to 30.05.2006 and also stated that no work was kept pending at the time of his relieving from Polichalur S.O, therefore, it is the stand of

the Petitioner that the said Vedagiri had not visited the Sub Post Office as alleged in Article I of the charge sheet. But these facts were not taken into consideration by the Inquiry Officer as well as by the Respondents 1 and 2.

9.The Learned Counsel for the Petitioner draws the attention of this Court that for filing the documents through SW-4, the defence raised objection and infact the said witness during his chief examination identified SB-7 withdrawal Application dated 20.05.2006 for Rs.3,00,000/- (SE-5 and SB-7) withdrawal application for Rs.40,500/- dated 26.05.2006 (SE-6) in respect of SB Account No.5782267.

10.Continuing further, the said SW-4 had further stated that SE-5 and SE-6 were vouchers for SB withdrawal, passed by the Sub-Post Master and he also signed them after verifying the specimen signature and that the account holder S.Mani was paid the withdrawal amounts. The core contention advanced on behalf of the Petitioner is that the withdrawal were allowed after following the prescribed formalities and in regard to the negligible difference in signature, the Petitioner in his capacity as 'SPM' had not doubted the genuineness of the depositor. In short, the withdrawal was allowed in terms of Rule 33(2) (ii) of PO SB Manual Volume I. Unfortunately, these vital facts were not considered by the Inquiry Officer as well as by the Respondents.

11.The Learned Counsel for the Petitioner submits that the Petitioner's request for production of valid documents was stood down and thereby he was deprived all his valuable defence. Also that the Inquiry Officer had not considered the numerous points projected by the Petitioner in his defence and wrongly held that the charges levelled against him were proved based on the State Documents and Evidence of State Witness beyond doubt as per his Report dated 18.01.2010.

12.The Learned Counsel for the Petitioner contends that the 2nd Respondent/Senior Superintendent of Post Office, Chennai had not considered the various points raised by the Petitioner in the reply statement dated 29.01.2010 in relation to the 'Inquiry Officer's report and removed him from service without immediate effect through his proceedings dated 18.02.2010.

13.The Learned Counsel for the Petitioner strenuously takes a plea that the Petitioner, on an earlier occasion filed O.A.No.456 of 2011 before the 3rd Respondent/Tribunal. Since no orders were passed in respect of an Appeal dated 31.03.2010

preferred by him before the 1st Respondent and the Tribunal had issued direction to the 1st Respondent/Union of India, represented by the Director of Postal Services, Chennai to pass an order on the Appeal filed by him. Later, the Appeal of the Petitioner was rejected, as per proceedings dated 30.05.2011 and that the 2nd Respondent had predetermined to impose major punishment to him. As matter of fact, he was removed from service by the 2nd Respondent/Senior Superintendent of Post Offices, Chennai contrary to Rules even the additional documents as required by him were not furnished.

14.At this stage, the Learned Counsel for the Petitioner contends that one Narayamurthi, who made the payment in respect of the withdrawal was reinstated into service and after conducting enquiry he was awarded with the punishment 'compulsory retirement'. But the Petitioner was removed from service.

15.The Learned Counsel for the Petitioner submits that one Naryanamurthi (savings bank counter clerk) who made the payment in respect of withdrawals pertaining to the alleged charges is the main offender, but he was restated into service and later, he was imposed with a punishment of compulsory retirement. However, the Petitioner, after completion of enquiry was imposed with a major punishment of "Removal From Service" which is disproportionate to the charges levelled against him.

16.The Learned Counsel for the Petitioner takes a plea that as per Rule 14 of CCS (CCA) Rules, 1965, a charged official shall be given 15 days time to make representation on the Report of the 'Inquiry Officer' but the Petitioner was provided with only 7 days time.

17.The Learned Counsel for the Petitioner submits that if there is any difference in the signature in SB-7, his evidence ought to have been obtained from the examiner on question to documents in accordance with Appendix 13 of Postal Manual Volume III, but the same was not followed and hence the decision arrived at by the 'Inquiry Officer' was not correct.

18.In the reply filed by the 2nd Respondent/Senior Superintendent of Post Offices, Chennai - 45 to the O.A.No.773 of 2011 (filed by the Petitioner/Applicant) it was averred that six MIS Accounts and one SB Account which were held in the name of one K.N.Ramanathan at Visweswaranagar Post Office under Mysore Head office were tendered with transfer to

Polichalur S.O., in 2004 and the said depositor K.N.Ramanathan died on 17.12.2004 and after his death the accounts were shown as Joint 'B' Type by including the name of another person S.Mani without any application for conversion from the depositor and without obtaining approval for conversion from Head Post office, as required by Rule 72(2) of PO SB Manual Volume I.

19.Continuing further, it was averred that all the 6 MIS Account's were prematurely closed on 04.05.2006 by one Vedagiri, who was the Sub Postmaster to Polichalur by issuance of cheque and after obtaining clearance of the cheque, the total sum of Rs.3,36,719/- was credited to SB Account 5782267 on 19.05.2006 from which withdrawal of Three Lakhs on 20.05.2006 and Rs.40,500/- on 26.05.2006 were allowed and payment was shown to be made to one S.Mani, a fictitious depositor. As a matter of fact, the Petitioner/Applicant allowed the main offender E.Vedagiri to remain in Polichalur Post Office and to access the post office records and helped the said Vedagiri to receive payment by not comparing the signature in the withdrawal forms with the specimen signature book and made the payment without identifying the recipient, but based on the oral confirmation through E.Vedagiri without obtaining his signature as 'Identifier'.

20.In short, by the lapses, the Petitioner/Applicant had facilitated the fraudulent withdrawals to the extent of Rs.3,40,500/- and therefore is responsible for the lapses and irregularities.

21.Apart from that, the Petitioner / Applicant had expressed his unwillingness to credit the share of responsibility of Rs.1,25,000/- with reference to show cause notice dated 21.05.2009. Therefore, the 2nd Respondent /Senior Superintendent of Post Offices, Chennai had initiated disciplinary action in terms of Rule 14 CCS(CCA) Rules, 1965 in Memo No.F1/4-27/07 dated 02.06.2009 in respect of three 'Articles of Charges'.

The First Article of Charge levelled against the Petitioner is as follows:-

Sri M.Srinivasan, PA, Tiruvottiyur S.O., (under suspension), while working as SPM, Polichalur S.O during the period from 16.05.2006 to 02.11.2006, has allowed Sri E.Vedagiri, who is not the staff of Polichalur SO, to access Post office records and complete pending works without obtaining prior permission from the competent authority, thereby

helped to Sri.E.Vedagiri for taking withdrawal of Rs.3,00,000/- on 20.05.2006 and Rs.40,500/- on 26.05.2006, through a fictitious joint account holder named Sri S.Mani from SB account no.5782267, and thus failed to maintain devotion to duty violating Rule 3 (1)(ii) of CCS (Conduct) Rules 1964.

The Second Article of Charge levelled against the Petitioner runs as under:-

Sri M.Srinivasan, PA, Tiruvottiyur S.O., now under suspension, while working as SPM, Polichalur S.O during the period from 16.05.2006 to 02.11.2006, has received the application signed as S.Mani, for withdrawal on 19.05.2006 for Rs.300000/- from Sri E.Vedagiri, in respect of SB account no.5782267 and effected payment on 20.05.2006, though the specimen signature of the depositor did not tally with the Specimen signature book on comparison/verification, thereby helped to Sri E.Vedagiri for taking withdrawal of Rs.3,00,000/- on 20.05.2006 and Rs.40,500/- on 26.05.2006, through a fictitious joint account holder named Sri.S.Mani from SB account no.5782267, and thus violated the provisions of Rule 33 of SB Manual Volume I and failed to maintain devotion to duty and thereby behaved in a manner which is unbecoming of a Government servants, violating Rule 3(1)(ii) and (iii) of CCS (Conduct) Rules 1964.

The Third Article of Charge is as follows:-

Sri M.Srinivasan, PA, Tiruvottiyur S.O., now under suspension, while working as SPM, Polichalur S.O during the period from 16.05.2006 to 02.11.2006, has effected payment of SB withdrawal for Rs.3,00,000/- on 20.05.2006 in respect of SB Account No.5782267 without identifying the person who is stated to be joint holder named S.Mani, of the above account but confirmed the person through Sri E.Vedagiri and failed to obtain the signature of Sri.E.Vedagiri as witness for identification of the depositor, thereby helped to Sri E.Vedagiri for taking withdrawal of Rs.3,00,000/- on 20.05.2006 and Rs.40,500/- on 26.05.2006, through a fictitious joint account holder named Sri.S.Mani from SB Account No.5782267, and thus violated to provisions of Rule 36 of PO SB Vol.I and failed to maintain devotion to duty violating Rule (1)(ii) of CCS (Conduct) Rules, 1964.

22.It is the specific case of the Respondents that in respect of the charges levelled against the Petitioner oral enquiries were conducted and reasonable opportunities were provided and ultimately the Inquiry Officer submitted his Report dated 18.01.2010 holding that the charges 'as proved'. In fact, the Inquiry Officer's report was furnished to the Petitioner for submission of his written representation and that on 29.01.2010 the Petitioner submitted his representation dated 29.01.2010 on the report of the Inquiry Officer and thereafter, the 2nd Respondent/Senior Superintendent of Post Offices, Chennai imposed the Penalty of Removal From Services as per Memo No.F1/4-27/07 dated at Tambaram 600 045 the 18.02.2010.

23.The Respondents had also taken a stand in their counter before the 3rd Respondent/Tribunal that the Petitioner filed an Appeal dated 31.03.2010 before the concerned authority and the same was rejected by the Director of Postal Service, Chennai City Region by means of a passing speaking order in Memo No.VIG/APP/2-57/2010/CCR dated at Chennai 600 002 the 30.05.2011. Also that, the Petitioner had not submitted any Revision Petition before the Revisional Authority even though there is provision in the Rules of filing of Revision Petition. In short, the Petitioner had not exhausted the channel of filing the Revision Petition.

24.It is to be pointed out that a Court of Law is to exercise its restraint while exercising powers in its Writ Jurisdiction. Admittedly, the ambit of 'Judicial Review' is very limited. In fact, by means of Judicial Review of the state action it must be seen by a Court of Law as to whether the discretion was fairly exercised by the concerned proper authority. In reality, the powers of 'Judicial Review' are to be exercised to ensure that a person receives a fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the Eye of the Court.

25.It is the well settled Principle of Law that if there are some requisite materials which the authority had accepted and which materials may reasonably support the conclusion of the authority that the officer is guilty of mis-conduct, then, it is not the function of the High Court in exercise of its power under Article 226 of the Constitution to review the materials and to arrive at its own conclusion. It cannot be gainsaid if the enquiry was conducted proper, then, the issue of adequacy or reliability of the evidence could not be agitated before the Hon'ble High Court. Further, a Court of Law is not concerned to determine whether the punishment

imposed was just and proper, provided it is justified by the Rules is to be appropriate having regard to the misdemeanor established. It is remembered that if a Court of Law finds that the punishment awarded is shocking to his conscience, then it can interfere.

26. That apart, the principle of 'Judicial Review' has to be strictly applied. At this juncture, this Court points out that 'Judicial Review' is not an 'Appeal' from a 'Decision' but a 'Review' of the manner in which the 'Decision' was made. Also that 'Judicial Review' is not directed against a decision, but is directed against the 'Decision Making Process' as per decision of Hon'ble Supreme Court in Union of India V. Upendra Singh (1994) 3 Supreme Court Cases at Page 357.

27. In this connection, it may be out of place for this Court to cite the following the decisions to prevent an aberration of justice and to promote substantial cause of justice:-

a. In the decision of Hon'ble Supreme Court B.C. Chaturvedi V. Union of India and Others reported in (1995) 6 Supreme Court Cases at Page 749, 750 and at Special Page 751, it is inter alia observed and held as follows:-

"---When an inquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court/Tribunal. When the authority accepts the evidence and the conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has coextensive power to reappraise the evidence or the nature of punishment. The Court/Tribunal in its power of judicial review does not act as appellate authority to reappraise the

evidence and to arrive at its own independent findings on the evidence. The Court/Tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of inquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached, the Court/Tribunal may interfere with the conclusion or the finding, and mould the relief so as to make it appropriate to the facts of that case....."

b. In the decision of Hon'ble Supreme Court Union of India V. Sardar Bahadur reported in (1972) 4 Supreme Court Cases at Page 618 and at Special Page 619 it is observed as under:-

"If the Order of punishing authority can be supported on any finding as to substantial misdemeanour for which the punishment can be imposed, it is not for the Court to consider whether the charge proved alone would have weighed with the authority in imposing the punishment. The Court is not concerned to decide whether the punishment imposed, provided it is justified by the Rules, is appropriate having regard to be misdemeanour established."

c. In the decision of Hon'ble Supreme Court in State of Orissa and others V. Bidyabhusan Mohapatra AIR 1963 Supreme Court 779 (V50 C 117) it is observed and held as follows:-

"....The reasonable opportunity contemplated by Art.311(2) has manifestly to be in accordance with the rules framed under Art.309 of the Constitution. But the Court, in a case in which an order of dismissal of a public servant is impugned, is not concerned to decide whether the sentence imposed provided it is justified by the rules, is appropriate having regard to the gravity of the misdemeanour established. The reasons which induce the punishing authority, if there has been an enquiry consistent with prescribed rules, are not justiciable; nor is the penalty open to review by the Court. If the order of dismissal may be supported on any finding as to substantial misdemeanour for which the punishment can lawfully be imposed, it is not for the Court to consider whether that ground alone would have weighed with the authority in dismissing the public servant. The Court has no jurisdiction if the findings of the enquiry Officer or the Tribunal prima facie make out

a case of misdemeanour to direct the authority to reconsider that order because in respect of some of the findings but not all, it appears that there had been violation of the rules of natural justice. AIR 1960 Orissa 68, Reserved. (Para9)

28.It is to be borne in mind that the Rules of natural justice are meant to secure justice or to put it negatively to prevent the miscarriage of justice. But the said Rules of Natural justice do not supplant the Law of the land but supplement it. Further, the principles of fair hearing are

- (i) prior notice
- (ii) Right to make representation
- (iii) Right to be heard.

When any of these essentials are found wanting, the decision may be tainted that arbitrariness. Even an Administrative order, which involves civil consequences, must be made consistently with the Rules of Natural Justice. No wonder, if there is power to decide and determine to the prejudice of an individual, duty to act judicially is implicit in exercise of such power. Suffice it for this Court to point out that no order having any civil consequences can be made without adhering to the Rules of Natural Justice.

29.Before the 3rd Respondent/ Tribunal, the Respondents in the Counter had stated that as per the Provisions of Note below Rule 14(11) of CCS(CCA)Rules, 1965, the charged Government servant should indicate the relevancy of additional documents required by him. Also, the Inquiry Authority had recorded his decision in the 'Daily Order Sheet No.4 dated 09.10.2009, that due to non-availability of specific dates, the documents could not be secured. Furthermore, it is for the Inquiry officer to decide the request, taking note of the relevancy or otherwise of the request so made and to issue necessary orders in directing the authority concerned in whose custody the documents are available. Apart from that, it is the stand of the Respondents before the Tribunal that for the irregularities committed by the Petitioner/Applicant pertaining to moral turpitude, the punishment of removal of service was imposed on the Petitioner by the disciplinary authority and that the Appellate Authority had confirmed the penalty, after taking into consideration all the points concerning the case.

30.In the instant case, the 'Inquiry Officer' had submitted his Inquiry Report' dated 18.01.2010 and under the caption 'Fact and Findings' he had observed the following :-

"The CGS has stated in SE 10 and SE12 that he

has joined as SPM at Polichalur on 16.05.2006 and he had seen Sr.S.Mani for the first time on 20.05.2006 only when S.Mani came to PO to withdraw a sum of Rs.3,00,000/- that too after the identification made by SW5. The SW 4 in the SE 4 has deposed that the MIS pass books were not tendered to him by the depositor across the counter but tendered by SW5. He had included the name of S.Mani in the ledger card as joint B account holder and while enquiring about the revised SB3 card the SW5 told him that the revised SB 3 was kept in some other place which under search. Further after the receipt of the cheque for premature closure of MIS accounts and the SW 5 has obtained the cheque from him. When Sr.S.Mani came to Polichalur PO for taking withdrawal SW 5 has identified the person as Mani. As such it is evident that Sri.S.Mani joint B account holder was not at all known to the CGS and SW4 till the identification made by the SW 5.

The CGS in the SE 10 has stated that Sri.S.Mani was not known to him but identified by the SW 5. Though there were differences in the signature on the SB 7 withdrawal form the withdrawal was allowed on the identification of SW 5. He further stated that the withdrawals were allowed to S.Mani on identification by SW5 but he did not obtain the signature of SW 5 as witness in the SE 5 and SE 6. As such it is crystal cleared that the CGS has failed to follow the correct when there was difference SE 5 and SE 6 with that of SE 11 and helped SW 5 to withdraw a sum of Rs.3,40,500/- through Sr.S.mani and the charges framed in the article I ii are proved based on the deposition of state witnesses and state exhibits.

resultantly held that three charges framed against the Petitioner were proved based on the State exhibits and deposition of State Witness beyond doubt.

31.In fact, the Appellate Authority while disposing of the Appeal by means of proceedings in Memo No.VIG/APP/2-57/2010/CCR dated at Chennai - 600 002 the 30.05.2011 on a careful analysis of the relevant documents of disciplinary proceedings in an elaborate manner (by considering 33 points in all) had dismissed the Appeal by observing that he does not find any reason to interfere with the Order of the Disciplinary Authority.

32.On going through the Order of the Appellate Authority, this Court comes to an irresistible and inescapable conclusion that the said Authority concerned had considered the entire facts of the case, the enquiry procedure and the facts proved in the 'Course of Inquiry'. In reality, the charges projected against the Petitioner were clearly proved and both the Disciplinary Authority and the Appellate Authority had rightly concluded that the penalty of dismissal from service imposed on the Petitioner is commensurate with the seriousness of the charges involved in the present case.

33.At this stage, this Court on perusal and on going through the contents of the Impugned order dated 03.07.2014 passed by the 3rd Respondent/Tribunal in dismissing the Original Application No.773 of 2014, this Court is of the considered opinion that the said Order does not suffer from any legal infirmities or material irregularities in the Eye of Law. Per contra, the Order is just, fair and legally tenable one. Consequently, the Writ Petition fails. In the result Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssd
To

1. The Director of Postal Services,
Union Of India,
Chennai City Region,
Anna Salai, Chennai - 600 002
2. The Senior Superintendent of Post Offices,
Tambaram Division,
Tambaram, Chennai - 600 045
3. The Registrar,
Central Administrative Tribunal
Chennai - 600 104

+1cc to Mr.R.Malaichamy, Advocate, S.R.No.55713

W.P.No.32309 of 2015

GR(CO)
CA(30/10/2015)