

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2627/2016

Senior Superintendent of Post Offices, Nagpur City Division, Nagpur and others

...Versus...

Jagannath Vithalrao Wagh

WITH

WRIT PETITION NO.2628/2016

Senior Superintendent of Post Offices, Nagpur City Division, Nagpur and others

...Versus...

Rajesh Mohanlal Puglia

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Rohit Deo, Advocate for petitioners in both petitions
Shri A.N. Dighore, Advocate for respondent in both petitions

**CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.**

DATE : 17.06.2016

Since the issue involved in these petitions is identical,
they are heard together and are decided by this common order.

By these petitions, the petitioners challenge the order
of the Central Administrative Tribunal, dated 13.10.2015 partly
allowing the original applications filed by the respondents –
employees and quashing and setting aside the order seeking a
recovery of a sum of Rs.1,00,000/- from the salary of each of the
respondents.

While the respondents were working in the post office, they wrong fully permitted the withdrawal of the sum of Rs.2,00,000/-. A departmental enquiry was conducted against the respondents and after the charge of negligence was proved against the respondents, the petitioners imposed the penalty of withholding of one increment of the respondents for a period of one year without cumulative effect and directed the recovery of Rs.1,00,000/- from each of the respondents in 20 monthly installments of Rs.5,000/-. The orders of the Disciplinary Authority were challenged by the respondents before the Central Administrative Tribunal. The Tribunal, on a consideration of the material on record, partly allowed the original applications filed by the respondents and held that the petitioners were justified in withholding one increment of the respondents for a period of one year without cumulative effect as the charge of negligence was duly proved. The Tribunal held that the petitioners were not entitled to recover a sum of Rs.1,00,000/- from each of the respondents as the amount of Rs.2,00,000/- was deposited in the joint account of the concerned depositor and her husband and the said depositor had not claimed the amount from the petitioners. The orders of the Tribunal are impugned in the instant petitions.

On hearing the learned Counsel for the parties and on a perusal of the impugned orders, we find that there is no scope for interference with the impugned orders in exercise of the writ jurisdiction. Since the charge of negligence was proved against the respondents, the Tribunal rightly held that the petitioners were justified in imposing the punishment of withholding of one

increment for one year without cumulative effect. The Tribunal found that the punishment was proportionate to the charge proved against the respondents. The Tribunal was also justified in holding that no loss was caused to the petitioners as the depositor had not come forward to claim the amount of Rs.2,00,000/-. It was therefore rightly held that the petitioners were not justified in seeking a recovery of Rs.1,00,000/- from each of the respondents. After arriving at a conclusion that the petitioners had not suffered the loss to the extent of Rs.2,00,000/-, the Tribunal rightly held that the petitioners could not have sought the recovery of the said amount from the respondents.

Since the orders of the Tribunal are just and proper, we dismiss the writ petitions with no order as to costs.

JUDGE

JUDGE

Wadkar