

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 09.12.2016

Coram

The Honourable Mr.Justice K.K.SASIDHARAN
and
The Honourable Mr.Justice V.PARTHIBAN

W.P.No.20841 of 2016 &
W.M.P.No.17855 of 2016

P.Annamalai .. Petitioner
Versus

1. Union of India,
rep. by Director of Postal Services,
Chennai City Region,
Chennai-600 002.

2. Senior Superintendent of Post Offices,
Vellore Division, Vellore-632 001.

3. The Registrar,
Central Administrative Tribunal,
Madras Bench,
Chennai.

.. Respondents

Prayer: This Writ Petition is filed under Article 227 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order dated 27.8.2015 in O.A.No.1443 passed by the Central Adminstrative Tribunal, Chennnai Brannch, quash the same and consequently direct the respondents 1 and 2 to reinstate the petitioner into service with all consequential benefits including continuity in service and payment of full back wages for the period from 3.2.2009.

For Petitioner : Mr.M.Gnanasekar
For Respondents: Mr.P.Ayyaswamy, CGSC-R1toR3

ORDER

(Order of the Court was delivered by V.PARTHIBAN, J.)

The present Writ Petition has been filed against the order dated 20.7.2015 passed by the 3rd respondent, Central Administrative Tribunal, Madras Bench (in short, 'the

Tribunal'), dismissing the Original Application No.1443 of 2003.

2. The petitioner, while working as an Extra Departmental Branch Manager (ED BPM) was charge sheeted on 01.02.2011 alleging that he had not paid Money Order amounts payable to the beneficiaries of the said money orders who were old age pensioners and defrauded them. Pursuant to the charge memo, an enquiry was conducted and the Enquiry Officer has submitted his report on 17.8.2013 holding that all the charges were proved. Thereafter, he was slapped with the impugned penalty order of removal from service dated 16.9.2013 and an appeal dated 30.10.2013 also rejected by order dated 24.3.2014.

3. Aggrieved by the same, the petitioner approached the Tribunal assailing the order of punishment of removal from service as confirmed by the appellate authority.

4. After hearing the parties and on perusal of the documents, the learned Tribunal held that there was no merit in the application and dismissed the same. While taking a decision against the petitioner, the Tribunal has appreciated all the facts and circumstances of the case which led to the impugned punishment. In para 9 of the order, the learned Tribunal has clearly spelled out that the petitioner was unable to convince to the Tribunal regarding any procedural lapses in the process of enquiry, imposition of penalty or consideration of the appeal. The Tribunal has also rendered a finding that the subsequent deposit of the amount, allegedly misappropriated by the petitioner could not be wished away while drawing a final conclusion regarding his guilt. The learned Tribunal also found that the penalty of removal from service is commensurate with the gravity of the misconduct committed by the petitioner.

5. Heard Mr.M.Gnanasekar learned counsel appearing for the petitioner and Mr.P.Ayyaswamy, Central Government standing counsel appearing for the respondents 1 to 3.

6. Mr.Gnanasekar, learned counsel reiterated his contentions which were put forth before the learned Tribunal and which contentions were sought to be resisted by the learned counsel for the respondents 1 to 3.

7. However, the learned counsel for the petitioner was unable to convince this Court as to how the conclusions arrived at by the learned Tribunal were improper and required intervention of this Court. As held by the learned Tribunal, the petitioner was afforded proper opportunity in the departmental enquiry and after due process, all the charges came to be held as proved. The charges being very serious in nature of misappropriation and defraud, the Department was left with no option except to impose a major penalty of removal from service.

The punishment imposed cannot be faulted with as being disproportionate particularly in view of the fact that the petitioner had indulged in defrauding the old age pensioners who were getting meagre monthly pension from the Government. The guilt of the petitioner having been established in unequivocal terms and the punishment being not disproportionate to the gravity of the misconduct alleged against the petitioner, there is no scope for interference by this Court of the orders passed by the Tribunal. Therefore, we do not find any infirmity in the order passed by the learned Tribunal. Therefore, the present Writ Petition is devoid of merits and the same is dismissed. No costs. Consequently, connected MP is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

1. The directory postal Senior,
Chennai City Registrar,
Chennai-600 002.
2. The Senior Superintendent of Port Officer,
Vellore Division, Vellore-632 001.
3. The Registrar
Central Administrative Tribunal,
Madha Bench, Chennai.

W.P.No.20841 of 2016

KS(CO)
GN(23/01/2017)

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