

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

WRIT PETITION NO. 3337 OF 2007

**PRALHAD R DAMBE
VERSUS
THE UNION OF INDIA AND ORS**

**Advocate for Petitioner : S D Dhongade
Adv.Mr.D.G.Nagode for R.1 to 4.**

**CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL,JJ.**

DATE : 09/08/2017

PER COURT :-

The petitioner was imposed punishment of recovery of Rs.84,000/-. In an Appeal, the said punishment was reduced to recovery of Rs.50,000/-. The petitioner approached the Central Administrative Tribunal. The Tribunal dismissed the Original Application. Aggrieved thereby, the present Petition.

2] Mr.Dhongade, learned counsel submits that the respondents and the Tribunal have failed to consider that the changed Rules were never brought to the notice of the petitioner. The circulars were never notified, in absence of it, the imputation against the petitioner is erroneous. The learned counsel further submits that the Post

Master, who was also imposed punishment of recovery of Rs.84,000/-, the appellate authority has reduced the same to Rs.4200/- only. According to the learned counsel, such a discrimination is not permissible. The learned counsel further submits that as per the Service Rules, penalty by way of punishment cannot exceed $\frac{1}{3}^{\text{rd}}$ of the basic pay. The recovery should not exceed one year's basic pay in any case. The authority failed to consider that the said Kisan Vikas Patra was also countersigned by the Post Master. The petitioner was only working as Postal Assistant, Jintur, SO, at the relevant time.

3] Mr.Nagode, learned counsel submits that the Tribunal has considered all the relevant aspects of the matter. As far as the case of Mr.Deodhar, Post Master is concerned, he had retired from service and considering hardships, the order was passed by the appellate authority.

4] We have considered the submissions. It appears that the petitioner had committed a mistake, while issuing Kisan Vikas Patra to the bank on 17/7/1995. Because of the same, the Department had to sustain loss of Rs.Five Lakhs, which was required to be paid to the holder that is the Bank on 17/01/2001. The said loss of Rs.Five Lakhs was with regard to the maturity interest. All the

authorities have consistently held that the petitioner committed mistake. The petitioner failed to follow the revised procedure of issue of Kisan Vakas Patra, thus resulting in irregular issue of Kisan Vikas Patra to the bank. It is observed that the petitioner did not produce any proof that he addressed the H.P.O. and Post Master and sought their guidance on the subject. The appellate authority considered pecuniary circumstances and reduced the penalty to recovery of Rs.50,000/-. Nothing is brought on record, with regard to the basic salary of the petitioner, to conclude that one year basic salary is less than Rs,50,000/-. As far as the case of Mr.Deodhar is concerned, the appellate authority has observed that he had already retired from service, the hardships were considered and then the order was passed, reducing the recovery amount.

5] Considering the loss sustained by the Department, it cannot be said that the minor punishment imposed of recovery of Rs.50,000/- is disproportionate. In view of the above, Writ Petition is dismissed. No costs.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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