

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 16.11.2018

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice KRISHNAN RAMASAMY

W.P.No.28846 of 2017
and
W.M.P.No.31063 of 2017

- 1.Union of India rep. by
Director of Postal Services,
Office of Postmaster General,
Western Region, Coimbatore.
- 2.The Superintendent of Post
Offices, Pollachi Division,
Pollachi. ...Petitioners

Vs

- 1.M.Krishnasamy,
Assistant Treasurer,
Ulundurpet - 642 126.
- 2.The Registrar,
Central Administrative Tribunal,
High Court, Chennai - 104. ... Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorari to call for the records dated 04.10.2016 and made in O.A.No.1640 of 2013 on the file of the second respondent and quash the same insofar as it is against the petitioners.

For Petitioners .. Mr.V.Balasubramanian
For Respondents .. R1 - No appearance
R2 - Tribunal

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

Heard the learned counsel appearing for the petitioners. Despite service of notice and the name of the first respondent having been printed in the cause list, there is no representation on behalf of the first respondent.

2.The first respondent while working as Assistant Treasurer, Udumalpet Headquarters, action was taken against him departmentally for the misconduct that he inadvertently issued three Kisan Vikas Patras in contravention of Rule 6 of KVP Rules, 1998 while working as Assistant Post Master, Udumalpet Headquarters. It is also for the reason the consumer approached the forum which awarded payment with interest for the full maturity value.

3.After finding charges are proved, a punishment of censure was imposed. The first respondent was also asked to repay the interest amount paid in installments. Accordingly, the aforesaid amount was deducted. This was done on the premise that the scheme pertaining to issuance of Kisan Vikas Patras does not apply to institutions. However, notwithstanding the communication sent, to the Udumalpet Headquarters and other offices indicating the discontinuance of Kisan Vikas Patras to the institutions with effect from 01.04.1995, the first respondent committed a mistake, resulting in loss.

4.The Tribunal despite finding the fact that the first respondent ought not have issued Kisan Vikas Patras, was pleased to allow the application on the ground that there was no loss actually sustained by the petitioners. Challenging the same, the present writ petition has been filed.

5.As rightly submitted by the learned counsel appearing for the petitioners, two facts are not in dispute. First is non-compliance of the communication discontinuing the issuance of Kisan Vikas Patras institutions by the first respondent and the consequential order of censure. The second is the interest paid for a sum of Rs. 56,411/- by the petitioners in favour of the consumer for the aforesaid wrong committed by the first respondent. Certainly this amount the first respondent cannot seek for refund, which has been deducted. When once a loss can be attributed to a delinquent officer, as a consequence he has to make good the loss. Therefore, the Tribunal was not correct in saying that there was no loss. When we speak about loss, it is with respect to the interest component paid by the petitioners pursuant to the orders of the Court in favour of the consumer. The situation was warranted through the conduct of the first respondent, which was not authorized or approved. Thus, we are not in a position to approve the reasoning of the Tribunal.

6. Accordingly, the order of the Tribunal dated 04.10.2016 is set aside and the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar,
Central Administrative Tribunal,
High Court, Chennai - 104.

2. Union of India rep. by
Director of Postal Services,
Office of Postmaster General,
Western Region, Coimbatore.

3. The Superintendent of Post
Offices, Pollachi Division,
Pollachi.

+1cc to Mr.V.Balasubramanian, Advocate, S.R.No.78223

W.P.No.28846 of 2017

RR(CO)

rrs 12/12/2018

सत्यमेव जयते

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