

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 8303 of 2018**

- Kamdev Devdas S/o Nathuram, Aged About 43 Years R/o Village Matwari, P.O. Anda, P.S. Anda, District Durg (Chhattisgarh) Pin 491221

---- Petitioner**Versus**

1. Union Of India Through The Secretary, Indian Postal Department, P&T Building, New Delhi. Pin- 100001
2. Chief Post Master General, Chhattisgarh Circle, Raipur (Chhattisgarh) Pin 492001.
3. Senior Superintendent Of Post Offices, Durg Division, Civic Centre, Bhilai, District Durg (Chhattisgarh) Pin- 490006
4. Assistant Superintendent Post Office, Durg Sub Division, Durg (Chhattisgarh) Pin 491001

---- Respondents

For Petitioner	:	Shri Shrawan Agrawal, Advocate
For Respondents/UOI	:	Shri B. Gopa Kumar, Assistant Solicitor General

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Order on Board****Per, Ajay Kumar Tripathi, Chief Justice****21.01.2019**

1. The Original Application i.e. OA No.696 of 2016 was dismissed by the Central Administrative Tribunal, Jabalpur Bench, Circuit Sitting, Bilaspur (hereinafter referred to as 'the Tribunal') on 01.03.2018. The Tribunal refused to interfere with the decision of disengagement from the post of Gramin Dak Sevak on allegations of misappropriation of Government money amounting to Rs.37,277/-.
2. Misappropriation is accepted by the employee in question. Based on the said finding, the Disciplinary Authority decided to disengage him from the responsibility, however in appeal, the Appellate Authority decided to modify the order from disengagement to that of debarring the Petitioner from participating in three departmental examinations. The Revisional Authority, thereafter took up the matter in terms of the power conferred upon him under Rule 19 of the

Department of Posts Gramin Dak Sevak (Conduct and Engagement) Rules, 2011, found fault with the order of the Appellate Authority in interfering with the decision of the Disciplinary Authority of disengagement, keeping in mind the seriousness of the offence of misappropriation of Government fund which was accepted by the Petitioner and he tried to earn a reprieve by depositing the said amount.

3. His contention was that interference with the order of punishment so modified by the Appellate Authority was unwarranted and that the power of revision exercised by the Revisional Authority could not have been done *sou moto*.
4. The Tribunal after taking note of the provisions concluded as under :

“8.1 On perusal of 1st proviso to Rule 19 *ibid* we find that it states that the case shall not be reopened under Rule 19, after expiry of six months from the date of the order to be revised. However, exception is carved out in favour of the Government or the Head of Circle or the Postmaster-General (Region). In other words, Government or the Head of Circle or the Postmaster-General (Region) may exercise revisional jurisdiction even after six months. In the present case we find that the revisional authority has exercised its jurisdiction within a reasonable period of one year from the date of the order of the appellate authority. The delay in consideration of the matter has been very well stated in the impugned order dated 30.03.2015 itself inasmuch as the Senior Superintendent of Post Offices, Durg Division had not sent a copy of the order of punishment along with his monthly report. Thus, it is clear that the revisional authority within its powers has invoked its jurisdiction within a reasonable period. Further, looking into the gravity of the misconduct committed by the applicant on several occasions, as mentioned in the charge sheet, and reproduced in Para 6 above, we are of the considered view that the punishment imposed upon the applicant by the reviewing authority is proportionate to the misconduct committed by the applicant, calling for no interference by the Tribunal. Thus, we do not find any irregularity or illegality in passing the impugned order by the revisional authority.”

5. The reasons so given by the Tribunal refusing to interfere with the order passed by the Revisional Authority cannot be said to be erroneous.

6. The Petitioner, who was holding an important position and had fiduciary relationship cannot be given a leeway of imposition of minor punishment merely because he accepted the guilt of misappropriation and deposited the misappropriated amount.
7. We do not find that the Tribunal in refusing to interfere with the decision of the Revisional Authority, which we too have gone through, was an erroneous view to take, keeping in mind the seriousness of the charges accepted by the Petitioner himself before the enquiry officer.
8. Writ has no merit. It is dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge