

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-13220-2021

Date of decision : 14.09.2021

Ishwar Devi

....Petitioner

V/s

Union of India & ors.

....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Amindra Pratap Singh, Advocate for the petitioner.

Ms. Puneeta Sethi, Senior Panel Counsel for UOI.

RAJAN GUPTA J. (ORAL)

Case has been taken up on Video Conferencing in view of COVID-19 Pandemic.

Petitioner has sought a writ in the nature of certiorari for quashing charge-sheet dated 16.05.2011 (Annexure P-3), enquiry report dated 22.09.2012 (Annexure P-4) and various orders (Annexures A-6, A-8 & A-10) whereby she has been dismissed from service; alternatively prayer has been made for her reinstatement in service. Learned counsel for the petitioner submits that allegations against the petitioner are frivolous. There is no laxity on part of the petitioner in supervision of her services. According to him, charges against her have been proved by completely ignoring the evidence on record.

Advance copy of the petition has been supplied to Ms. Puneeta Sethi, learned counsel representing UOI. She submits that charges against the petitioner have been proved on the basis of material and documentary evidence on

record. She has, thus, been rightly terminated from services on the ground of embezzlement of government funds.

Heard.

Petitioner joined as Postal Assistant on 13.09.1981 in the Department of Postal. She was transferred to Amloh Sub Post office where she was working as PA/Sub Postal Master Amloh from 31.07.2003 to 21.04.2007. Allegations against the petitioner is that during her tenure at Amloh, Sub Post office, she allowed one Sukhwinder Singh, an outsider, to enter the premises of Sub Post office and unauthorizedly permitted him to take part in official work of the Post Office which resulted into embezzlement of amount of ₹1,18,400/- in Account no. 355590, which infact was opened in a fake name. It was alleged that petitioner passed six withdrawals of ₹10,000/- each on various dates from the said account without proper verification and checking. Even in some cases, her initials were found in the fake ledger cards which established that she helped in opening the fake accounts. It was further alleged that petitioner also allowed new accounts to be opened without proper verifying the details of the depositors. On account of aforesaid embezzlements, a departmental inquiry was initiated and charges framed against the petitioner stands proved. Taking into consideration the report of the inquiry, Senior Superintendent of Post Offices, Patiala Division, Patiala (Respondent no. 4) vide order dated 19.12.2012 petitioner was dismissed from service with immediate effect. Aggrieved, she filed an appeal before Director Postal Services, Punjab Circle, Chandigarh but remained unsuccessful. Revision petition preferred by her met with the same fate. Against the order of revisional authority, petitioner approached the Central Administrative Tribunal for redressal of her grievance. Tribunal after going through the material and evidence on record observed that petitioner had facilitated in opening the fake accounts. The

embezzlement that has occurred from 26.11.2005 was due to lack of supervision on part of the petitioner. Moreover, Account no. 355590 had a balance of ₹1100/- and the petitioner had allowed withdrawals of ₹10,000/- on eight occasions amounting to ₹80,000/- from the said account on different dates. Thus, the punishment imposed by disciplinary authority was proportionate to the guilt of embezzlement of government money.

Petitioner has approached this court challenging the aforesaid orders passed by respondents-authorities. It appears that on the basis of inquiry, case of embezzlement and misappropriation of Government funds was registered against the petitioner and she was placed under suspension with immediate effect. A perusal of the averments made in the petition show that only disputed questions of fact have been raised. Adjudication thereof is not possible without evidence being led in that regard.

In view of above, instant petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

September 14, 2021

Ajay

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No