

(2010) 03 SHI CK 0156
In the High Court Of Himachal Pradesh
Case No : C.W.P. No. 446 of 2010

Durga Singh

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 08-03-2010

Acts Referred:

Citation : (2010) 03 SHI CK 0156

Hon'ble Judges : Kurian Joseph, C.J;R.B. Misra, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Kurian Joseph, C.J.—The applicant before the Central Administrative Tribunal, Chandigarh, is the writ Petitioner. The applicant was working as a GDS Branch Post Master at Jubbli, Tehsil Chopal. One Shankhi Devi, made a deposit of Rs. 2000/- in the year 2005. Though, the applicant-writ Petitioner gave a corresponding entry regarding the deposit in the pass-book, he had not duly accounted the same in the ledger-account of the Post Office. This act of embezzlement came into the notice of the Inspector of Posts, Theog and when he started the investigation in the year 2008, the Petitioner duly accounted the deposit with interest accrued thereon from 2005 till 15.1.2008. During the inquiry, the Petitioner had admitted that he had not accounted the deposit and that the same was accounted with interest only after three years. It is the vehement contention of the Petitioner that even assuming that he had admitted the charge levelled against him, the department had the duty to conduct a proper inquiry after complying with the entire procedure, as prescribed under the Rules. So long as the Petitioner does not have dispute on the factual situation and the factual situation to the extent admitted would establish the charge, there is no earthly purpose in conducting the inquiry since this is only a departmental action and not a criminal prosecution. The Tribunal following the law laid down by the Apex Court in Dharmarathmakara Raibahadur Aroot Ramaswamy Mudaliar Educational Institution Vs. The Educational Appellate Tribunal and Another, has

rightly dismissed the application. The procedural irregularity has not, in the given set of facts as referred to above, resulted in the violation of the principle of natural justice, to his prejudice. Due compliance could have been insisted in a situation where the Petitioner would have been in a position to disprove the charges levelled against him. In the given case, the charge has been admitted and the factual matrix on the basis of the records available in the case would also show that the charge levelled against him stands proved. There is thus no merit in this writ petition and it is dismissed, so also the pending application(s), if any.