(2010) 09 AHC CK 0511

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 41777 of 1997

Param Hans Sharma APPELLANT

Vs

Superintendent of Post Offices and Others RESPONDENT

Date of Decision : 16-09-2010

Acts Referred:

Central Civil Services (Classification, Control and Appeal) Rules, 1965 — Rule 14, 14(12), 14(13), 14(16), 14(18)
Central Civil Services (Conduct) Rules, 1964 — Rule 3(1)
Constitution of India, 1950 — Article 20(1), 226, 311(2)

Citation : (2011) 1 ADJ 488

Hon'ble Judges : Sunil Ambwani, J;Kashi Nath Pandey, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. This petition has been filed by Sri Param Hans Sharma son of Sri Ram Nagina Sharma, resident of village Khuteva, P.O. Maina Bhagar, Gorakhpur under Article 226 of the Constitution of India for issuing a writ of certiorari quashing the order dated 7.2.1989, passed by the Disciplinary Authority, order dated 7.11.1989, passed by Appellate Authority, order dated 1.11.1996, passed by the Central Administrative Tribunal by which the Petitioner a Clerk in Gonda Head Post Office has been dismissed from services, which has been upheld by the Appellate Authority and Central Administrative Tribunal.

2. Heard learned Counsel for the parties and perused the record.

3. The Petitioner was posted as Counter Clerk on 21.8.1987, Saving Bank Head Post Office Gonda. The duty of the Counter Clerk is to receive transactions presented at the counter by the depositors. The transactions are to be posted in the pass book by him. The pass book and pay in slips in case of withdrawals are then passed to ledger clerk. In case of withdrawals exceeding Rs. 500/- the ledger clerk and counter clerk both have to compare the signature on the application for withdrawal with the specimen signature on the record and the

withdrawal is allowed if the two signatures tally. In case of difference in signature identification is to be obtained from a person known to the post office and the identification has to be accepted by the Assistant Post Master. In case of lesser amount, the Counter Clerk alone has to satisfy about the signature.

4. In the instant case the withdrawal form is the most important document. This form contains 3 parts, viz application for withdrawal to be completed by depositor warrant of payment to be prepared by the counter clerk and signed by the Assistant Post Master, and the receipt for payment to be signed by the depositor while receiving the payment. The depositor has to mention the amount of withdrawal and the balance after this transaction in the prescribed columns. The ledger clerk has to compare this balance with balance struck in ledger card and the Assistant Post Master has also to carry out this check while checking the posting of the transaction.

5. Sri Ram Mandhar son of Dashrath Lal happened to be depositor of Gonda Head Post Office Savings Bank Account No. 463412.

6. One Sri Ram Sughar Misra a retired Assistant Post Master had been appointed by the National Organisation as an authorised Agent for canvassing NSC Schemes and to procure business from intending investors, to invest these money on their behalf and to earn 2% commission thereon. He was deputed to Gonda Head Post Office. Sri Ram Sughar Misra, N.S. Agent was a respectable person well known to post office. Sri Misra always assisted Sri Ram Manohar in withdrawing or depositing the money.

7. The depositor, Sri Ram Manohar came to the Post Office on 21.8.1987 and got application form filled in by Sri Ram Sughar Misra, National Saving Agent. It was intended to be for Rs. 100/- while receiving the payment he told that he wanted to withdraw Rs. 200/- and not Rs. 100/-. Sri Ram Sughar altered the entries accordingly. The Petitioner erred to accept this overwritten form and made alteration in the Pass Book also. A sum of Rs. 200/- was thus withdrawn. The closing balance after this transaction was Rs. 2603.75 paise. This warrant of payment was accounted for by the ledger clerk and checked by the Assistant Post Master and no objection was raised by any one.

8. The depositor again withdrew a sum of Rs. 300/- on 3.9.1987. The application form for withdrawal was again filled in by Sri Ram Sughar Misra. The balance after this transaction was noted as Rs. 2303.75 Paise. This transaction was made in the normal course of business.

9. The depositor on the application form for withdrawal of Rs. 300/- on 3.9.1987, unequivocally admitted the balance after this withdrawal as Rs. 2303.75 P. This obviously is conclusive evidence that according to written declaration of the depositor himself, the balance prior to this withdrawal was Rs. 2603.75 P. This impliedly reaffirmed that the balance after transaction dated 21.8.1987 was Rs. 2603.7575 P and the balance before the withdrawal on 21.8.1987 was Rs. 2803.75 P. Thus it is clear that by means of withdrawal on 21.8.1987 reducing

balance from Rs. 2803.75 to Rs. 2603.75 could by less-than Rs. 200/-

The ledger card of Gonda Head Office for Saving Bank Account 463412 showed the transaction as under:

11.8.1987 -Rs. 200/-2803.75 p 21.8.1987 -Rs. 200/-2603.75 p 3.9.1987 -Rs. 300/-2303.75 p

Date Deposit Withdrawal Balance

10. Under the undue influence of Sri Ram Sughar Misra a retired employee of Post Office Sri Ram Manohar the complainant filed a complaint dated 14.9.1987 that on 21.8.1987 that he had made withdrawal of Rs. 100/- only which was manipulated by the Petitioner to be Rs. 200/- and thus it is alleged that the Petitioner embezzled Rs. 100/-. Under duress the Petitioner had to credit Rs. 100/-under unclassified receipt at Gonda Head Office on 21.9.1987.

11. On the said complaint the Superintendent of Post Office proceeded against the Petitioner under Rule 14 of CCS (CCA) Rules, 1965 and served a charge-sheet dated 29.9.1987. The Petitioner categorically denied all the charges levelled against him.

12. The enquiry proceedings commenced on 1.11.1987 and concluded on 13.12.1988.

13. The Petitioner fell ill since 2.5.1988 and he submitted a medical certificate of his illness to the Superintendent of Post Offices Gonda under intimation to the Enquiry Officer.

14. The Superintendent of Post Offices Gonda directed the Petitioner to appear before the Chief Medical Officer, Gorakhpur for second medical opinion. The Petitioner appeared before the Chief Medical Officer and the Medical Certificate was counter signed by the Authority. He further advised, vide his letter No. M 2188 dated 21.6.1988, for rest since on that date the Petitioner was found suffering of Renal Colis disease.

15. Rule 71 of Postal Manual Volume III, lays down that Disciplinary proceedings against an official should be kept pending if he is on leave on medical grounds and it has been so recommended by the authorised Medical practitioner. In such case, the accused officer should also be allowed reasonable time for the submission of his defence. But the Enquiry Officer proceeded ex parte and dropped the examination of defence witnesses.

16. The Enquiry Officer proceeded ex parte since 2.5.1988 ignoring the medical certificate and submitted his enquiry report dated 13.12.1988.

17. After submission of the enquiry report the disciplinary authority passed the impugned order dated 7.2.1989, dismissing the Petitioner from services. The order is based on extraneous reasons, which were alleged in the charge-sheet or brought on the record of the enquiry proceedings of the case, as in the

punishment order, the disciplinary authority stated in the last but one paragraph as under:

Apart from this case SPS also managed to obtain employment in the department by submitting forged marks sheet and that case is being dealt under file No. B-133/PH Sharma/DP/CH-II

18. The appellate authority dismissed the appeal submitted against the order dated 7.2.1989, ignoring the documentary evidence of the warrant of payment dated 3.9.1987. The balance of Rs. 2303.75 is a proof of withdrawal of Rs. 2007- on 21.8.1987, the appellate authority has not given any finding on the point that if on 3.9.1987 the complainant came to know regarding entry of Rs. 200/- in place of Rs. 100/- withdrawal, why the complainant did not brought this fact to the notice of other superior authorities. He again withdrew the amount of Rs. 300/- on 3.9.1987 and admitted his balance to be Rs. 2303.75, even then no complaint was made to any authority. After much delay the complaint was submitted on 14.9.1987.

19. The Petitioner filed original application No. 662 of 1990 before the Central Administrative Tribunal. It was listed for hearing on 27.8.1996. On that date learned Counsel for the Petitioner was out of station, the application for adjournment was rejected and the case was heard ex parte and judgment was delivered on 1.11.1996 and the petition was dismissed. Review petition was also dismissed vide order dated 147.1997, which was sent to the Petitioner by post who had received the copy of the review order in the second week of September, 1997, thereafter this petition has been filed.

20. The main ground in the writ petition is the violation of principles of natural justice. The Petitioner was not given due and reasonable opportunity of hearing. In the grounds in writ petition the Petitioner has also referred the violation of Rule 14(7) and 14(9) of CCS (CCA) Rules 1965, Rule 14(12), Rule 14(13) of 1965, Rule 14(16) of CCS (CCA) Rules 1965, Rule 71 of Postal Manual Volume III Rule 14(18) and 14(19) of Rule 1965, stating non production of documents prior to production of witnesses, having no time for preparation of cross-examination and no opportunity to submit statement of defence and examine defence witnesses. The enquiry proceeded even during his illness. On the point of submission of forged marks sheet criminal trial No. 3037/89 ended into acquittal. But this was not considered.

21. The Respondent had lodged a report with the police. The police submitted a charge-sheet in the Court of Chief Judicial Magistrate, Gonda for the alleged submission of a forged certificate for obtaining employment. In this case the Petitioner was clearly acquitted. This extraneous consideration was prohibited by Rule 6 of the Postal Manual Volume III and this was also in violation of Article 20(1) and Article 311(2) of the Constitution of India. P.W.1 the depositor stated in his statement that the applicant withdrew Rs. 100/- from his account No. 463412 on 21.8.1987. After this withdrawal, the applicant''s account balance was

Rs. 2603.75. The balance prior to 21.8.1987 was Rs. 2803.75. This balance was not disputed. Thus, the balance after transaction of 21.8.1987 could be Rs. 2603.75 only when the amount withdrawn was Rs. 200/-and not Rs. 100/-On 3.9.1987 Rs. 300/- was withdrawn, showing the balance to be Rs. 2303.75. This amounts to admission of the depositor, which goes to prove that on 21.8.1987 Rs. 200/-was withdrawn showing the balance to be Rs. 2603.75. Thus, the documentary evidence clearly disproves the charges and the enquiry officer deliberately omitted to discuss these documents and confined his findings only to the over writing. Ignoring the medical certificate of the Petitioner of illness. The proceedings were continued ex parte ignoring the provisions of Rule 71 of the Postal Manual Volume III, which was not considered by the Tribunal. The findings recorded by the Tribunal were based on solitary evidence of warrant of payment dated 21.8.1987. Thus the Petitioner''s defence case has not been considered, nor he was given opportunity of proper hearing.

22. By making reference to rules referred to above, the main contention is regarding non providing him a reasonable opportunity of hearing. Even during the period of his illness the enquiry proceedings were not deferred, but the enquiry officer proceeded ex parte. According to the complaint of Ram Monohar saving account No. 463412 he submitted withdrawal form for withdrawal of Rs. 100/- on 21.8.1987. Again he withdrew Rs. 300/- on 3.9.1987. On 3.9.1987 the concerned clerk raised the amount of Rs. 100/- to be Rs. 200/- and in place of balance 2703 overwritten to be 2603. On objection by the complainant he promised to correct it afterwards, but that was not corrected by him Thus the crux of the charge is that in fact Rs. 100/- was withdrawn on 21.8.1987 and balance amount Rs. 2703.75 but in place of Rs. 100/- the clerk concerned raised it to be Rs. 200/- in place of Rs. 2703.75 and reduced the balance to be Rs. 2603.75 and accordingly by over writing this entry was made in the relevant register. About the above complaint the enquiry was entrusted to Sri K.C. Misra, Senior Superintendent Post Office, Gonda Division. A notice was given to this effect to the clerk concerned Sri Param Hans Sharma, he was directed to submit his written statement within 10 days about his defence.

23. According to charge No. 1 Sri Param Hans Sharma while functioning as S.B. Counter clerk in Gonda Head Post Office during the period from 21.8.1987 to 15.9.1987 raised the amount of withdrawal of Rs. 100/- to Rs. 200/- in S.B. Account No. 463412 on 21.8.1987 by over figuring the entry in S.B.-7 in long book without knowledge of the depositor, thus violated the provisions of Rule 425(2) and (3) of P & T Manual Volume 6 Part II, thus, failed to maintain the absolute integrity and devotion to duty as required under Rule 3(1) CCS Conduct Rules, 1964.

24. According to charge No. 2 he reduced the balance in pass book of S.B. Account No. 463412 by Rs. 100/- in the transaction dated 21.8.1987 on 3.9.1987 when the depositor submitted his pass book for another withdrawal of Rs. 300/-

25. According to charge No. 3 while functioning as S.B. counter clerk Sri Param Hans Sharma from 21.8.1987 to 15.9.1987 over figured withdrawal dated 21.8.1987 in S.B. Account No. 463412 of Rs. 100/- in long book and SB-7 and made it Rs. 200/-, thus misappropriated the amount of Rs. 100/-

26. Although the charges have been framed in three parts, but the substance of accusation is that showing withdrawal of Rs. 200/- accordingly decreasing the balance of Rs. 200/- whereas in fact only Rs. 100/- was withdrawn and accordingly the clerk concerned has made several other entries by over writing to show that in place of Rs. 100/- Rs. 200/- had been withdrawn on 21.8.1987, when there was over writing in the withdrawal from, pass book as well as other relevant entries, it was incumbent on the clerk concerned to bring it in the notice of other superior officers, which was not done by him. Only on the ground of delay in filing complaint the complaint case cannot be ignored, because the clerk concerned assured the complainant to get the entry corrected afterwards, when the departmental enquiry in the case was started on the basis of the complaint dated 14.9.1987 Sri Param Hans Sharma credited Rs. 100/- into unclassified receipt on 21.9.1987 at Gonda-H-O- vide ACG-67 receipt No. 70 dated 21.9.1987. In this way he made temporary misappropriation of Government money from 21.8.1987 to 20.9.1987, which amounts to admission of Sri Param Hans Sharma regarding making false entry of Rs. 200/- withdrawal in place of Rs. 100/- withdrawal and accordingly making other false entries to justify his act. I have also gone through the enquiry report, according to which all the three charges have been proved. The enquiry commenced from 12.11.1987 and prosecution was concluded on 28.4.1988, he had taken part in the enquiry proceedings. There is no complaint that he had made any application for cross-examination of any person, which was refused by the enquiry officer, there is no complaint that he requested for perusal of any document, which was rejected by the enquiry officer.

27. Sri Param Hans Sharma tendered an application on 29.11.1988 to allow time for production of the defence witnesses, on 22.8.1988 the date fixed Mr. Sharma, as well as Sri R.H. Lal who was defending him remained absent, therefore it was decided to proceed ex-parte on 22.8.1988. Sri Param Hans Sharma on 29.4.1988 submitted the name of two defence witnesses Sri R.H. Mauniza, APM Gonda and Ashok Kumar S.B. Account Clerk Gonda, H.O. on 21.8.1987 and 3.9.1987. On 24.10.1988 Sri Ram Prasad Mauniza defence witness appeared, but Sri P.H. Sharma and the person defending him were absent. Sri Ashok Kumar the second witness did not appear, the enquiry was concluded on 26.10.1988, thus it is apparent that Sri P.H,. Sharma was adopting delaying tactics. Prosecution evidence was concluded on 28.4.1988, thereafter whole enquiry was concluded on 25.10.1988. Between the period of six months there were sufficient opportunities for the Petitioner to give defence evidence. Written argument was submitted by the prosecution side. No written argument was submitted from the side of the Petitioner up to 12.12.1988, hence the enquiry report was prepared and submitted. Thus, it cannot be said that proper opportunity of hearing was

not afforded to the Petitioner.

28. The enquiry report is based on oral and documentary evidence. The documentary evidence of Post Office has not been rebutted by the Petitioner but in one way or the other the allegation of changing entry by over writing has been admitted by the Petitioner. The enquiry report is based on evidence on record, therefore, it cannot be said to be perverse. This is not a criminal case, in which the benefit of doubt can be given to the accused but it is like a civil case, where the judgment is based on probability of evidence. Only defence case asserted by the Petitioner is that withdrawal form dated 3.9.1987 in which Rs. 300/- have been withdrawn and in the column of balance 2303.75 has been written by which it can be presumed that on 21.8.1987 in the column of balance there was entry of Rs. 2603.75 which is in support of the fact that on 11.8.1987 the entry of balance 2803.75 which was beyond the dispute, thereafter on 21.8.1987 Rs. 200/-had been withdrawn and balance amount was 2603.75 but the depositor is an illiterate person, withdrawal form has been filled up by one Ram Sughar Misra, retired employee of the Post Office, who filled up the form for withdrawal of Rs. 300/- and he has written the balance, according to the entry in the pass book, which is under complaint by the depositor, Mr. Ram Sughar Misra supported the complaint case in place of defence on the point of withdrawal of Rs. 100/- only on 21.8.1987, therefore, on account of balance of Rs. 2303.75 in the withdrawal form of 3.9.1987 the presumption cannot be drawn in favour of the delinquent employee about withdrawal of Rs. 200/- and balance of Rs. 2603.75. This only defence has got no legs to stand. Sri Ram Manohar the depositor stated clearly in support of the allegations that on 3.9.1987 the concerned clerk overwritten the amount of Rs. 100/- withdrawal to be Rs. 200/- and balance Rs. 2703.75 to be Rs. 2603.75 which was then objected by the depositor only on account of the fact that he had not made complaint on the same day to other superior officers. He cannot be disbelieved.

29. The complainant stated that the clerk has assured to correct the amount when he did not correct, a complaint was submitted on 14.9.1987. In support of the oral evidence of Sri Ram Manohar, there is documentary evidence of withdrawal form dated 21.8.1987 in which payment of Rs. 100/- has been made to be Rs. 200/- in figure as well as in words and balance in the amount after withdrawal has been over written as Rs. 2603.75 in place of Rs. 2703.75 in figure as well as in the words. On the side of warrant of payment receipt of payment Rs. 100/- has been made to be Rs. 200/- and Rs. 2703.75 has been made to be Rs. 2603.75 by over figuring but still the word of Rs. 100/- on the side of receipt of payment is quite distinct. Overwriting has not been rebutted by the clerk concerned. The entry of over figuring in the pass book of account No. 463412 is also in support of the complainant''s version. The entry in the long book is also in support of the complainant''s version, where there is over writing in figure 2 and first zero in place of one and the certificate of credit of Rs. 100/- by Sri P.H. Sharma in account No. 463412 amounts to his admission.

30. In his statement dated 22.9.1987 Sri Sharma has confessed that in pass book No. 463412 he had invoiced on 21.8.1987 Rs. 100/- in withdrawal column and Rs. 2703.75 in the balance column on 3.9.1987, when the pass book was again presented for withdrawal Sri Sharma told the ledger clerk that Rs. 200/- were given to the depositor in place of Rs. 100/- and accordingly as per the direction of Sri P.H. Sharma the entry was corrected. Sri Sharma has admitted that he credited Rs. 100/- on 21.9.1987 on the complaint made by Ram Manohar. Sri P.H. Sharma has also admitted that the long book was written by him.

31. Sri Raja Ram Yadav, ledger clerk stated that over figuring in the amount has been done by Sri P.H. Sharma which has come into his notice in the course of enquiry. Sri Ajay Kumar Pandey, ledger clerk, Gonda stated that in the pass book account No. 463412 Rs. 200/- were posted for payment which was received from Sri P.H. Sharma. Sri Ram Sughar Misra, retired employee presently NSC Agent stated that the withdrawal form of Ram Manohar was filled for withdrawal of Rs. 100/- only. Ram Manohar accepted before him that he got two notes of Rs. Fifty each. Ram Manohar also told him that the amount of withdrawal of Rs. 100/ - was changed to Rs. 200/- and balance of Rs. 2703.75 was changed to be Rs. 2603.75. There is no reason for Ram Manohar depositor or Ram Sughar Misra a retired Post Office employee to make any false statement in support of the allegations. None of the employees of the Post Office came forward in support of the employee on the point of fact that Rs. 200/- was paid to Ram Manohar on 21.8.1987. The fact of over figuring and overwriting has not been disputed and it could not have been explained by Sri P.H. Sharma. The depositor filled up the claim application form claiming Rs. 100/- which has been verified by the department, sanctioning restoration of Rs. 100/- in S.B. Account No. 463412. Even Sri P.H. Sharma admitted that on 21.8.1987 the depositor filled up the form of withdrawal for Rs. 100/- Sri Sharma did all the formalities accordingly, but by mistake he made payment of Rs. 200/- He also admitted that amount of withdrawal was Rs. 100/- payment was made Rs. 200/- by him. Even if this statement was correct it was not proper for Mr. P.H Sharma to make several over writings regarding withdrawal and balance behind the back of the depositor for his negligence. At other occasion he has also admitted that all the formalities about withdrawal of Rs. 100/- was completed by him, but at the time of payment the depositor asked for payment of Rs. 200/- that is why the entries have been over written thereafter, but this conduct is also unnatural and liable to be rejected. Even if this is to be correct it was not justified on the part of the counter clerk to make payment of Rs. 200/- after over writing several entries. Therefore, his statement is not natural to be believed. It is also to be noted that had there been such a fact some of the official must have come forward in his support. This allegation has been admitted by Sri PH. Sharma in his written statement dated 22.9.1987 recorded before Sri B.C. Raj during preliminary investigation. Thus the conclusion drawn by the enquiry officer is based on oral and documentary evidence, which could not have been explained otherwise by

the Petitioner The whole case is that Rs. 100/- was made Rs. 200/- by over figuring and over writing in the form, which has not been rebutted by the employee and explanation forwarded by him as discussed above is liable to be rejected.

32. In the above circumstances, there is nothing to conclude that no reasonable opportunity was given to the delinquent employee for defending himself. The conclusion drawn by the enquiry officer is based on evidence on record, therefore, it cannot be said to be perverse Even before the Court at the time of argument the Petitioner is pressing his defence case on the basis of withdrawal form dated 3.9.87, which has been filled up by Ram Sughar Misra showing withdrawal of Rs. 300/- and balance amount of Rs. 2303.75, which has been rejected by the Court on the ground that these entries have been made by Ram Sughar Misra on the basis of entry dated 21.8.87 which is under complaint. Ram Sughar Misra does not support defence case about entry dated 21.8.87.

33. The disciplinary authority after giving proper opportunity of hearing to the Petitioner and after considering the enquiry report from all the corners agreed with the findings of the enquiry officer on the point of fact of raising withdrawal of Rs. 100/- to Rs. 200/-. It is to be noted that a passing remark has been given in the order of disciplinary authority that the employee also managed to obtain the employment in the department by submitting a forged marks sheet and that the case is being dealt under file No B-133/PH Sharma/DP/CH II, but this is not the basis of the conclusion drawn by the disciplinary authority, because after conclusion about the charges to be proved in the last para above passing remark has been mentioned, which is not the basis for accepting enquiry report after this remark only operative portion has been written

In this way I hold that official is not fit to retain further and I R.S. Singh, Superintendent of Post Offices, Gonda Division hereby dismiss Sri P.H. Sharma from service which shall be also disqualification for his further employment under Government.

34. The Petitioner has filed an appeal, he had been given due opportunity of hearing and after considering each and every point mentioned in the appeal, the appellate authority did not agree with his statements. All the points raised by him have been considered by the appellate authority. The order is not based on extraneous considerations of previous bad record Once the allegations of over figuring and overwriting have not been denied nor it has been explained there is oral and documentary evidence in support of the complaint, there was nothing before the appellate authority to conclude otherwise. The Appellant was given full opportunity to participate in the enquiry proceedings at every stage, he deliberately evaded to make his defence. The plea of illness is also not tenable as he remained absent for a long period without any information of his known address.

35. I have also gone through the order passed by the Tribunal. Each and every

point raised by the Appellant has been considered by the Tribunal. Several adjournments had already been granted by the Tribunal to the Petitioner, therefore, at some point the Tribunal was bound to decide the case discouraging the mala fide conduct of the Petitioner of delaying tactics. The grounds of O.A. was before the Tribunal which have been considered by the Tribunal in his detailed judgment. There is nothing before the Court to interfere with the findings of the Tribunal. The review application filed by the Petitioner has also been rejected after assigning proper reason.

36. Learned Counsel for the Petitioner relied on Roop Singh Negi Vs. Punjab National Bank and Others, and argued that mere admission of the Petitioner on the point of over writing and over figuring in itself cannot be said to be sufficient, but some evidence in support of the allegations ought to have been brought on record on the point of his involvement. Here in the present case over writing and over figuring of amount of Rs. 200/- in place of Rs. 100/- has been admitted by the Petitioner and his explanation was not found to be satisfactory. It is also to be noted that even the versions of explanation are varying. Some times he states that in the beginning withdrawal form was for Rs. 100/- and accordingly he did all the formalities regarding entry of Rs. 100/- but at the time of payment the depositor expressed desire to withdraw Rs. 200/- payment that is why over figuring and over writing was made and Rs. 200/- was paid. At the other time he states that in place of Rs. 100/- Rs. 200/- was paid by him and accordingly correction was made in relevant places. Some times he states that Rs. 200/-have been mentioned in the withdrawal form by the depositor, thus the variation in his explanation amounts to falsehood of his defence case and in the absence of satisfactory explanation mere admission of the Petitioner about over figuring and over writing supports the allegations against the complainant. The allegations have been proved by the witnesses during departmental enquiry. The contentions raised by the Petitioner have been considered by the authorities and were not found to be sufficient. On the point of fact this case law does not help the Petitioner. The charges levelled against the delinquent official have been proved. Proper reasons have been assigned by the enquiry officer, disciplinary authority, appellate authority as well as learned Tribunal behind its conclusion. The conclusion is based on oral as well as documentary evidence in the departmental enquiry.

37. In view of above discussions, we are satisfied that no interference is required under Article 226 of the Constitution of India, as full opportunity of hearing has been provided to the Petitioner The conclusion drawn by the authorities is based on oral and documentary evidence besides the admission of the delinquent official.

38. Accordingly, the petition is liable to be dismissed and it is hereby dismissed.

