

A  
MANGLA GIRI  
v.  
REGIONAL ADMINISTRATIVE COMMITTEE  
VARANASI AND ANR.

B  
OCTOBER 11, 1996

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

*Service Law:*

C  
D  
*Removal from service—Employee charged with shortage of goods under his control—Opportunity given to make good the loss but he did not deposit the money—Order of removal from service passed—No reasons assigned—Appeal before the Committee and Writ petition dismissed—On appeal held : it is too difficult to believe that the locker was opened in his absence and the amount was taken by somebody when he was on leave on medical grounds—No illegality in the High Court's order warranting interference.*

CIVIL APPELLATE JURISDICTION : Special Leave Petition (C)  
No. 21230 of 1996.

E  
From the Judgment and Order dated 17.4.96 of the Allahabad High Court in W.P.No. 31643 of 1990.

Y.P. Sharma and Debasis Mishra for the Petitioner.

The following Order of the Court was delivered :

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Delay condoned.

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H  
The charge against the petitioner is that as per Special Audit for 1981-82, he defalcated a sum of Rs.18,970.85 in General Distribution System, Rs.20,789.50 under Cash and Carry Programme and had shown shortage of four quintals of sugar worth amount Rs.1540 and 80 Kgs. of sugar worth amount Rs.308 and as per Special Audit report of 1982-83, for a further amount of Rs.23,746.00. An opportunity was given to the petitioner to make good the loss. But he did not deposit the money. Consequently, an order of his removal from service came to be passed but reasons for the same were not assigned. He filed an appeal before the Regional Administrative Committee which dismissed the same. When the

petitioner filed Writ Petition No.31643/90 the High Court in the impugned order dated April 17, 1996 dismissed the writ petition. Thus, this special leave petition. A

A contention has been raised by the petitioner that he has not been given an opportunity to defend and except for the year 1991, no direction was given earlier and, therefore, he was denied of reasonable opportunity to defend himself resulting in violation of principle of natural justice. We find no force in the contention. When the petitioner was given opportunity to make good the loss and he did not deposit the same, it is too difficult to believe that the locker was opened in his absence and the amount was taken by somebody in his absence when he was on leave due to medical grounds. The theory now set up is too fantastic to be believed. Under those circumstances, we do not find any illegality in the order passed by the High Court warranting interference. B C

The special leave petition is accordingly dismissed.

G.N.

Petition dismissed. D