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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00563/2019

Wednesday, this the 1st day of January, 2020

C O R A M :

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER**

Bindia.K.G.,
W/o.Bijumon.A.S.,
Aged 35 years,
Postal Assistant,
Attingal Post Office, Department of Posts.
Residing at Karthika, Panchayath Office Road,
Venjaramood P.O., Thiruvananthapuram.

...Applicant

(By Advocate Mr.V.Sajithkumar)

v e r s u s

1. Union of India
represented by the Secretary to the Government of India,
Department of Posts, Government of India,
New Delhi – 110 001.
2. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram – 695033.
3. The Senior Superintendent of Post Offices,
Thiruvananthapuram North Division,
Thiruvananthapuram – 695 001.
4. The District Collector,
Collectorate, Thiruvananthapuram – 695 001.
5. The Deputy Tahsildar,
Taluk Office, Nedumangad Taluk,
Thiruvananthapuram District – 695 541.

...Respondents

(By Advocates Mr.V.A.Shaji, ACGSC [R1-3] & Mr.M.Rajeev, GP [R4-5])

This application having been heard on 1st January 2020, the Tribunal on the same day delivered the following :

ORDER (ORAL)

Per : Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

Heard Shri.V.Sajithkumar, learned counsel for the applicant, Shri.V.A.Shaji, learned ACGSC for the Postal Department and Shri.M.Rajeev, learned GP for the State Government. The prayer in the O.A had been for quashing the Revenue Recovery action initiated at the instance of the postal authorities for the reason that there has been significant loss caused to the public exchequer due to the action of the applicant, whose name is mentioned in the Revenue Recovery notice. The applicant had approached this Tribunal stating that the respondents have resorted to Revenue Recovery action without conducting an inquiry and without coming to any conclusion with regard to the responsibility of the applicant for the alleged fraud. The applicant has also not been given any opportunity to defend herself.

2. Shri.V.A.Shaji, learned ACGSC for the Postal Department while admitting that the Revenue Recovery action has been resorted to without any final findings in the inquiry, submitted that an inquiry is indeed in progress and is at a final stage.

3. After hearing both sides, we are of the view that there is merit in the prayer of the applicant that the Revenue Recovery action may be stopped in view of the incomplete nature of the proceeding undertaken so far. However, we have also learnt from the learned ACGSC that an inquiry is in progress and is at a final stage. We, therefore, further direct that the said inquiry may be completed as expeditiously as possible and in any case within a period of three

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months from the date of receipt of a copy of this order. We also mention here that further action, if necessitated, may be taken based upon the conclusions arrived at in the inquiry report.

4. The O.A stands disposed of accordingly. No costs.

(Dated this the 1st day of January 2020)

ASHISH KALIA
JUDICIAL MEMBER

E.K.BHARAT BHUSHAN
ADMINISTRATIVE MEMBER

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List of Annexures in O.A.No.180/00563/2019

- 1. Annexure A-1** – A copy of the order dated 6.10.2015 issued by the 3rd respondent.
 - 2. Annexure A-2** – A copy of the order dated 17.2.2017 in O.A.No.180/00026/2017 of this Hon'ble Tribunal.
 - 3. Annexure A-3** – A copy of the Memorandum dated 23.6.2017 containing memo of charges and statement of imputations against the applicant issued by the 3rd respondent.
 - 4. Annexure A-4** – A copy of the Inquiry Report submitted by the Inquiry Officer along with the covering letter dated 20.8.2018.
 - 5. Annexure A-5** – A copy of the reply dated 3.9.2018 submitted by the applicant to Annexure A-5.
 - 6. Annexure A-6** – A copy of the revenue recovery notice dated 7.11.2017 issued by the 5th respondent.
 - 7. Annexure A-7** – A copy of the revenue recovery notice dated 8.11.2017 issued by the 5th respondent.
 - 8. Annexure A-8** – A copy of the interim order dated 27.6.2018 in W.P.(C) No.21255/2018 of the Hon'ble High Court of Kerala.
 - 9. Annexure A-9** – A copy of the judgment dated 4.4.2019 in W.P.(C) No.21255/2018 of the Hon'ble High Court of Kerala.
 - 10. Annexure R-1** – A copy of the receipt generated on completion of the requisition for Revenue Recovery proceedings in the portal.
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