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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

QA No.664 of 2001

New Delhi, this the 26th day of November 2001

HON'BLE MR. S.A.T.RIZVI, MEMBER (A)

Radhey Shyam Rajput S/o Shri Laik Ram
Accountant Head Post Office,
Buland Shahar.

... Applicant

(By Advocate: Shri D.P. Sharma)

V E R S U S

1. Union of India,
Through Secretary,
Ministry of Communication,
Department of Posts,
New Delhi.
2. The Director Postal Services,
Agra Region, Agra.
3. Shri H.P. Singh,
Superintendent Postoffices,
Bulandshahar Division, Bulandshahar.
4. The Postmaster
Head Post Office,
Buland Shahar.

... Respondents

(By Advocate: Shri D.S. Mahendru)

ORDER (ORAL)

By S.A.T. Rizvi, Member (A):

Heard either side of the parties.

2. The applicant has been chargesheeted for imposing a minor penalty for earning commission on Recurring Deposits (Saving Scheme) unauthorizedly and also for earning commission in an irregular manner by contravening Rules finding place to appendix II of Post Office Savings Bank Manual Vol.-I.

3. The proceedings have culminated in an order passed on 9.1.2001 imposing the following penalties on the applicant:-

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"1. Recovery from his pay a sum of Rs.16938.50 misappropriated by him. It be recovered in 10 equal instalments of Rs.1600/- each and in the list 11th instalment of Rs.938.50.

2. Reduction w.e.f. 1.2.2001 to a lower stage from Rs.5500/- to Rs.4500/- in the time scale of pay (Rs.4500-125-7000) for a period of 1 (one) year without cumulative effect not adversely affecting his pension. It is further ordered that Shri Rajput will earn increments of Pay during the period of reduction."

4. Learned counsel appearing on behalf of the applicant submits that due to illness, the applicant could not submit a proper representation and the respondents have proceeded to pass the aforesaid order of penalty without taking his representation into consideration. Since the applicant could not file any representation within the time allowed for the purpose, the respondents have presumed that the applicant had nothing to say in the matter.

5. Aggrieved by the aforesaid order, the applicant has filed his statutory appeal on 20.3.2001 which is yet to be disposed of by the respondent-authority.

6. I have considered the submissions made by the learned counsel and find that the ends of justice will be duly met in the present case by disposing of this OA at this very stage with a direction to the respondent-authority to dispose of the aforesaid appeal expeditiously and in any event within a period of one month from the date of receipt of a copy of this order.

In the order to be passed by the appellate authority,

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care will be taken to properly explain the rules relied upon for fixing responsibility on the applicant at every stage of the process envisaged in the Pay Roll Saving Scheme.

7.. The present OA is disposed of in the aforestated term. No costs.



(S.A.T. Rizvi)
MEMBER (A)

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