

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**PATNA BENCH, PATNA**  
**OA /050/00266/2020**

Date of order 18.06.2020

**CORAM**  
**HON'BLE MR. M.C. Verma, MEMBER (J)**  
**HON'BLE Mr. Sunil Kr. Sinha, MEMBER (A)**

1 Hemant Kumar Jaiswal, s/o Sri Bijay Kumar Jaiswal, R/o Mohalla-Dilawarpur, Kali Tazia Road, Munger, at present posted as Had Treasurer at Munger Head Post Office, Munger.

2 ..... Applicant.

By advocate: Sri J.K. Karn.

Verses

1. The Union of India through the Director General Cum Secretary, Department of Posts, Dak Bhawan, New Delhi.
  2. The Chief Postmaster General, Bihar Circle, Patna.
  3. The Postmaster General, East Region Bhagalpur, O/O the Chief Postmaster General, Bihar Circle Patna-800001..
  4. The Director of Postal Services, East Region Bhagalpur, O/o Chief Postmaster General, Bihar Circle Patna-800001.
  5. The Superintendent of Post Offices, Munger Division, Munger-811201.
- ..... Respondents.

By advocate: Sri H.P. Singh.

**ORDER (ORAL)**

**M.C. Verma, MEMBER (J)-** The applicant is an employee of department of posts and being aggrieved by order dated 17.04.2020 of Disciplinary Authority whereby recovery of sum of Rs. 5,50,000/- was directed to be recovered in 44 installments of Rs. 12,500/- per month and aggrieved by non disposal of his appeal preferred against the said order of Disciplinary Authority and starting affect of recovery, he has preferred instant OA.

2. In nutshell, case of the applicant is that he was wrongly impleaded in disciplinary proceedings and was served with minor penalty charge memo under Rule 16 of CCS (CCA) Rules 1965 vide memo no. F4-1/17-18/Disc./H.K. Jaishwal Dated at Munger, the 26.02.2020. Enquiry was conducted in violation of rule/norms and ultimate Disciplinary Authority passed aforesaid order dated 17.04.2020. That he preferred appeal on 28.04.2020. That as per rule,



the appeal had to be decided within a month but still the appeal is lying pending and the respondents had started to affect the recovery.

3. Heard. Learned counsel for the applicant, Shri Jayant Kr. Karn submits that against the impugned order, the applicant has preferred appeal dated 28.04.2020, rule provides disposal of appeal in one month but the Appellate Authority is sitting over his appeal and has not decided the appeal yet and in the meanwhile the respondents has started affecting the recovery, in installments @ Rs.12,500/- per month. He further submits that the applicant is class-IV employee, he is having financial constraint and if recovery is not stayed he shall face irreparable loss and would not be able to fulfill domestic requirements of his family. He requests to issue notice or pass appropriate order in this OA.



4. The matter is at state of notice hearing. Advance copy has been served to respondent's counsel and he has also appeared. Learned counsel for the respondents, Shri H.P. Singh opposed this OA and submitted that this OA is not maintainable and appeal preferred against the appeal impugned order of the Disciplinary Authority is still pending and therefore the OA is not maintainable. He, however assures that appeal would be decided at the earliest. On query, how much time the Appellate Authority would take to decide the appeal, he answered that 2 months time may be given.

5. Learned counsel for the applicant submits at this stage that he is having no objection if OA is disposed of with direction to the respondents to decide the appeal of applicant but respondents authority are taking undue advantage by delaying the appeal, so recovery may be directed to be stayed till the disposal of his appeal.

6. In the entirety, this OA is disposed of at the stage of admission with directions to the respondents to dispose of the appeal of the applicant. Taking note of prevailing situation of Covid-19, we, at this stage are not fixing the time span for disposal of appeal but are

directing the respondents to dispose of the appeal of the applicant at the earliest, if possible within a month but till appeal is not disposed of, no recovery be affected.

7. With aforesaid observations and directions, the OA stands disposed of.

(Sunil Kr. Sinha)/M(A)

(M.C. Verma)/(M) J

**Bp**

