

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA**



**OA No./050/00380/2020**

**Due to COVID-19 Pandemic, case has been heard & decided  
through Video Conferencing**

**Date of order 13.10.2020**

**CORAM**

Hon'ble Shri M.C. Verma, Member [ J ]  
Hon'ble Shri Sunil Kumar Sinha, Member [ A ]

Raj Kumar Sah, son of late Jharokhi Sah, resident of Village-Nazirpur, Post Office-Kanta Pironchha, Police Station-Gayghat, District- Muzaffarpur, Pin-847107.

.....Applicant

**By Advocate : Shri O.P. Singh**

Versus

1. The Union of India through the Secretary, Ministry of Communication, Department of Posts, Government of India, Sansad marg, Dak Bhawan, New Delhi-110001.
2. The Director General, Department of Posts, Sansad marg, Dak Bhawan, New Delhi-110001.
3. The Chief Postmaster General, Bihar Circle, Meghdoot Bhawan, Patna-800001.
4. The Postmaster General, Norther Region, Bihar Circle, Muzaffarpur-842002.
5. The The Director of Postal Services, Norther Region, Bihar Circle, Muzaffarpur-842002.

.....Respondents

**By Advocate: Shri H.P. Singh**

## **O R D E R (ORAL)**



**M.C. Verma, M [ J ]:** Applicant is a postal assistant in SBCO Branch Darbhanga HO and Charge sheeted under Rule 16 of CCS (CCA) Rules of 1965 by Superintendent of Post Offices, Darbhanga on 24.01.2019 and after considering the representation of applicant and after inquiry, penalty of recovery of Rs. 4,68,000/- in 36 instalments each of Rs.13,000/- per month from the pay of applicant was directed and additionally punishment of stoppage of one increment for six months without cumulative effect vide order dated 19.06.2020 was imposed.

2. Applicant preferred appeal against the said order before the Disciplinary Authority on 20.07.2020 and the said appeal is still pending hence this O.A.

3. Counsel for applicant submits that the appeal should be decided within one month but still the same is lying pending with Disciplinary Authority and the respondents are deducting Rs.13000/- per month from the salary of the applicant. He further submitted that the applicant is facing financial hardship. He concluded that the Appellate Authority

may be directed to decide the appeal of the applicant and in the meanwhile recovery may be stayed.



4. Counsel for respondents Shri H.P. Singh, who appeared after having received advance copy of O.A and argued that there is no such provision under Rule 27 of CCS (CCA) Rules. The pleadings in the O.A. that it is mandatory to dispose of the appeal within a month, that decision of the government which confined that if appeal is current one month which the appellate authority has to sent statement to the higher authority. He also urges that there are copy of decision which emerges that when the matter is remitted back to the Appellate Authority to Disciplinary Authority, no interim relief should be granted. He cited Hon'ble High Court Judgment dated 13.08.2018 passed in CWJC No. 14091/2011 (Union of India & Ors vs Krishna Kumar Manjhi) considering the submissions it is true that rule 23 of CCS (CCA) Rules provides no time limit for decision of appeal. However, it is incumbent upon the authority to decide the appeal at the earliest possible.

5. Having note of entirety of the O.A., it is appropriate to dispose of this O.A at admission stage itself with direction to the authority to consider and dispose of the appeal of the applicant at the earliest

possible preferably within this year. As far as the prayer of interim relief, we find no justification to pass any order relating to interim relief. Applicant may approach the Appellate Authority for that. Appellate Authority may pass appropriate order as per the circumstances and the facts of the case.

6. The O.A stands disposed of with the above directions. No costs.

(Sunil Kumar Sinha) M ( A )  
/mks/

(M.C. Verma ) M [ J ]



