

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA**

OA No 424/2020

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

Date of order 12.11.2020

CORAM

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



1. Viswakarma Prasad @ Bishwakarma Prasad, aged about 60 years, Male son of late Sheoshankar Prasad, Resident of Village-Premhata P.O.- Ukhai, Police Station- Siwan Muffasil, District- Siwan, Retired Postal Assistant (Recurring Deposite Counter), Siwan head Post Officer Sub Postmaster, Gaushala Road, Sub office, Siwan

.....Applicant

By Advocate : Shri Raju Prasad

Versus

1. The Union of India through the Superintendent of Post Offices, Siwan Division, Siwan-841226.
2. The Postmaster General (North), Region, Muzaffarpur -842001.
3. The Director of Accountant Patna-800001.
4. The Post Master, Siwan, Head Officer-Siwn-841226.

.....Respondents

By Advocate: Shri Rana Randhir Singh

O R D E R (ORAL)

M.C. Verma, M [J]:- Matter is at notice stage hearing. Advance copy of OA has been served to learned counsel for respondents Shri Rana Ranadhir Singh and he appeared for respondents.

2. Pleadings as has been set out in the OA reflects that the applicant has retired from the post of Postal Assistant from Siwan Head Post Office and that applicant was charge sheeted. The charges levelled against the applicant is that he while working as PA (RD Counter) Siwan HO during the period from 01.01.2015 to 11.03.2018, allowed the RD loan amounting to Rs.75,000/- from Siwan HO RD a/c No. 1402037106 without obtaining the Pass Book and the application from the depositor and made entries in the warrant of payment portion without compare the signature of depositor on

the application for withdrawal with the specimen on record. It is further alleged against the applicant that the loan amount of Rs. 75,000/- has been credited by him on 02.03.2016 in a/c no. 1401321756 in the name of Sri Jaya Nath Prasad irregularly causing the department loss of Rs.75,000/- (Seventy five thousand).

3. On conclusion of inquiry, order of punishment, dated 24.07.2019 directing recovery of Rs.75,000/- from his pay and leave salary was inflicted by the Disciplinary Authority. Applicant preferred the Appeal but when said Appeal was not decided, he preferred O.A No.1020/2019 before this Tribunal and this Tribunal disposed of the O.A, on 05.11.2019, with direction to the respondents to decide the appeal of the applicant within two months. That applicant's appeal was decided vide order dated 13.02.2020 and the appeal has illegally been rejected and hence is this O.A.

4. Learned counsel for applicant while pressing the O.A. submits that the Charge Memorandum is suffering from material illegality and the order passed by the Disciplinary Authority as well by the Appellate Authority, both are illegal and are not sustainable in law. That applicant has since superannuated and illegally amount of Rs.75,000/- had been recovered. It is enquired from the counsel that whether against order of Appeal Revision does not lies and he submits that applicant is a poor person and he is not aware whether remedy of Revision is available or not. He requests to pass appropriate order and added that applicant is having no objection if direction for filing Revision Petition is passed, however, he explained that the order of the Appellate Authority is of February 2020 and Revision, if is filed may would be beyond the period of limitation.

5. Shri Ranana Randhir Singh, Advocate, who has appeared for respondents opposed the maintainability of this O.A. It is enquired from him whether relevant Service Rules permits Revision in cases like the present and he merely urged to pass appropriate order.



6. Considered the submission of both parties. Rule 29 of CCA (CCS) Rule provides for Revision. Taking note of entirely and other surrounding facts & circumstances we think that it would be appropriate to give opportunity to the Revisionary Authority to look into the matter and to take appropriate decision in entirely of the matter. Needless to say that the Order of Appellate Authority is dated 13.02.2020 and in spite of taking note of that, we want to dispose of this O.A. with direction to respondents that applicant, if wish and file a Revision Petition before the Revisionary Authority within three weeks of this order the Revisionary Authority shall consider the same sympathetically about the limitation period and pass a reasoned and speaking order on the Revision Petition within three months from the filing of Revision Petition.

6. With the above direction, O.A is disposed of. No order as to costs.

(Sunil Kumar Sinha) M (A)

(M.C. Verma) M [J]

/mks/







