

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA**

OA No 427/2020

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

Date of order 13.11.2020

CORAM

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



1. Tare Babu Choudhary son of late Jaddu Nath resident of Village & P.O. Sisaali PS-Jiradai District- Siwan-841245.

.....Applicant

By Advocate : Shri S.K. Tiwari

Versus

1. The Union of India through the Secretary cum D.G., Department of Posts, Dak Bhawan, New Delhi-110001.
2. The Chief PMG, Bihar Circle, Patna-800001.
3. The Postmaster General, Northern Region, Muzaffarpur-842002.
4. The Director of Postal Services, Northern Region, Muzaffarpur Postmaster General, Northern Region, Muzaffarpur-842002.
5. The Superintendent of Post Offices, Siwan Division, Siwan-841226.

.....Respondents

By Advocate: Shri Sujit Kumar Sinha

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 Sujit Kumar Sinha and he appeared for respondents.

2. Pleadings reflect that applicant who is working as O/S Mail (East Sub Dn Maharajganj) in Siwan Postal Division was imposed punishment of recovery of Rs.3,00,000/- (three lacs) vide order dated 31.08.2020 by the Disciplinary Authority. Learned counsel for applicant submits that the order of the Disciplinary Authority is not sustainable in law but the applicant has preferred Appeal against the said. The Appeal was filed on 16.09.2020 but no decision has yet been taken by the Appellate Authority and that recovery @ Rs.12,000/- per months is being effected from the

salary of the applicant. He further submitted that the applicant is a Class-IV employee and if recovery is continued, applicant would suffer irreparable loss. He requests for issuance of notice in O.A. and to stay the recovery.

3. Learned counsel for respondents disputed the maintainability of the O.A. and stated that when Appeal is pending, the O.A. is premature and deserves to be dismissed. With regard to the interim relief, counsel for respondents submits that when the O.A is not maintainable, no interim relief can be granted and if applicant is aggrieved by the recovery he may approach the Appellate Authority qua relief in respect of the recovery.

4. Considered the submissions made by parties. It is not disputed that Appeal is lying pending against the order of Disciplinary Authority for consideration. Taking note of the fact that the applicant is a Class-IV employee we want to dispose of this O.A. with some direction to respondents. Applicant, if he so wishes, may file a representation before the Appellate Authority for stay of recovery and the Appellate Authority shall consider his petition sympathetically about the recovery and pass a reasoned and speaking order within two weeks from the date of receipt of the representation.

5. With above observations, the O.A is disposed of. No order as to costs.

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

(M.C. Verma) M [J]





