

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 19TH DAY OF MAY, 2003

Original Application No. 06 of 1997

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Phool Chand Raj Bhar, a/a 48 years
 Son of Shri Ram Narain Raj
 Bhar, R/o village Godhana, P.O
 Kajgaon, district Jaunpur,
 presently working as Postal Assistant
 under the Supdt. of Post Offices,
 Jaunpur.

.. Applicant)

Versus

1. Union of India, through the Secretary, Department of Posts Government of India, new Delhi.
2. The Superintendent of Post Offices, Jaunpur Division Jaunpur.

.. Respondents

(By Adv: Shri Amit Sthalekar)

O R D E R (Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 applicant has challenged the recovery certificate dated 28.6.1996(Annexure A-1) by which recovery of the amount of Rs.58,345.75p, ~~which is~~ in connection with the shortage of the stamps and stationery balance, has been directed from the applicant.

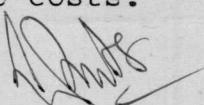
The legal position in this regard has been settled by Division bench judgment of this Tribunal in 'Madan Lal Mishra Vs. Superintendent of Post Offices and Ors reported in 1998(2) All India Service Law Journal pg-303. The bench has held that recovery proceedings initiated under section 4 of the PAD Act cannot be

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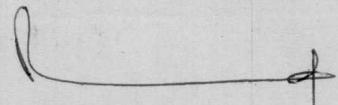
questioned before this Tribunal. The recovery is not a service matter and does not fall within the jurisdiction of the Tribunal. The OA is thus not maintainable.

So far as the second relief is concerned, applicant has prayed for a direction to the respondents to grant increments which have been withheld illegally in view of the service of the memo of charge dated 24.11.1993. The applicant was suspended. During the proceedings there was no question of grant of increment. From the pleadings filed by the parties it is not clear as to what happened in disciplinary proceedings. In the circumstances, in absence of the relevant facts it is difficult to grant relief to the applicant. The application is accordingly dismissed.

No order as to costs.



MEMBER (A)



VICE CHAIRMAN

Dated: 19.5.2003

Uv/