

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 10th day of May 2002.

Original Application no. 552 of 1997.

Hon'ble Mr. Justice RRK Trivedi, Vice-Chairman
Hon'ble Mr. S. Dayal, Administrative Member

Yatish Chandra Lal, S/o Sri Raghunath Lal,
working as Postal Assistant, Post Office Jagdishpur,
Distt. Ballia.

... Applicant

By Adv : Sri S. Pandey

Versus

1. Union of India through Ministry of Communication,
Department of Post, Dak Bhawan, Sansad Marg,
New Delhi.
2. The Director Postal Office, Office of the Post Master
General, Gorakhpur Region, Gorakhpur.
3. Superintendent of Post Office, Ballia.
4. Sub Post Master, Jagdishpur, Distt. Ballia.

... Respondents

By Adv : Sri A. Sthalekar

O R D E R

Hon'ble Mr. Justice RRK Trivedi, VC.

By this OA filed under section 19 of the A.T. Act, 1985, the applicant has challenged the order dated 7.5.1997 by which on conclusion of disciplinary proceedings he was awarded punishment of recovery of Rs. 9800/-, which was to be recovered partly from his salary and partly from his gratuity. The order was challenged in appeal, but before appeal could be decided, ^{~ this ~} he filed OA on 16.5.1997 before this Tribunal. In his reply, submitted in response to the memo of charge, the applicant admitted that inadvertently

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the registration of nomination was omitted and payment was not made by the S.P.M. Jagdishpur.

2. The facts of the case are that on 29.10.1989 while the applicant was working as S.P.M., Jagdishpur, Distt. Ballia, he accepted Rs. 35000/- for sale of Kisan Vikas Patra infavour of Sri Narvadeshwar Pandey. In the ^{relevant} ~~referred~~ column of the form he wrote the name of Sri Smanynavit Pandey (Grand son of the ^{applicant's} ~~nominee~~ ^{nominee}). The KVP's were handed over to the purchaser, but the name of Grand son was not recorded. The purchaser, thereafter, died and for recovery of money the nominee had to file a claim before the consumer forum and in this way the department had to pay Rs. 9800/- extra by way of penal interest. The applicant was, therefore, served with the memo of charge under section 16 of CCS (CCA) Rules, 1965, and awarded punishment as stated above. Sri Pandey, learned counsel for the applicant submitted that the mistake could not be corrected by successor officer. He has placed before us the relevant clarification given by Ministry of Law on the two points¹ raised. Which is being reproduced below :-

"a. Whether nomination registered in due course even after the death of depositor is valid.

b. Whether nomination which was not registered in the usual course due to omission on the part of the Head Office, can be gregistered at a later date even after the death of the depositor."


From the aforesaid it is clear that the ~~discreation~~ ^{discretion} had been given to Head Post Office to rectify the mistake, if the nomination was otherwise in order. But in the present case, the claimant had to approach the consumer forum and ~~discreation~~ ^{discretion} was not ~~justified~~ ^{exercised}, though provided under law. But the applicant

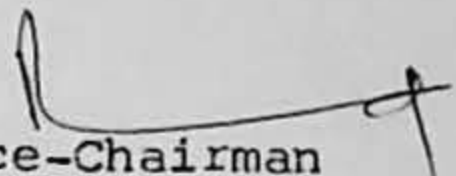
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(18)

cannot claim any benefit on the basis of the same. In our opinion the impugned order is justified in the facts and circumstances of the case. The OA has no merit and the same is dismissed accordingly.

3. There shall be no order as to costs.


Member (A)


Vice-Chairman

/pc/