

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 768 of 1998

Allahabad this the 30th day of March, 2001

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Bachchan Lal S/o Late Shri Shiv Ram , R/o148/B,
Colonelganj, Fatehgarh, District Farrukhabad.

Applicant

By Advocate Shri Anand Kumar

Versus

1. Union of India through Chief Post Master General, Lucknow.
2. Post Master General, Kanpur.
3. Superintendent of Post Office, Fatehgarh Division, District Farrukhabad.
4. Director of Postal Services, Kanpur.

Respondents

By Advocate Shri Satish Chaturvedi.

O_R_D_E_R (Oral)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

The applicant has challenged by this O.A. under Section 19 of the Administrative Tribunals Act, 1985, the order dated 24.6.1998 by which he has been disallowed to cross the efficiency bars, which was due to ^{be} crossed from 01.11.1985. The reasons stated in the order is that this Tribunal while allowing the O.A.No.817/89 filed by the applicant, though set aside

the orders of punishment but, at the same time left it open to the respondents to impose any other penalty as provided under the rules. The punishment awarded to the applicant was for refund of Rs.3000/- which was the loss caused to the Government. It was directed that it shall be recovered from the salary with 12% interest. I have perused the order of this Tribunal dated 17.9.96. From paragraph-10, it is clear that this Tribunal upheld the findings of the authorities holding applicant guilty of the charge. The relevant portion is being re-produced below;

"The above finding of the appellate authority has been upheld by the reviewing authority. Finding recorded by the appellate authority, thus clearly goes to show that the applicant was negligent in discharge of his duties and that pecuniary loss was caused to the Government as a result of such negligence on the part of the applicant."

This finding of the Tribunal has become final. As applicant had already retired from service on 30/4/89, no order of effective punishment could be passed against the applicant, but the finding, so far as holding him guilty of misconduct is concerned, that stands.

2. In my opinion the order has rightly been passed disallowing the applicant to cross the efficiency bar. The order does not suffer from any error of law. The O.A. has no merit and is accordingly dismissed. No cost.