

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 10th day of August, 2000

Original Application No. 1051 of 1998

District : Badaun

CORAM :-

Hon'ble Mr. SKI Naqvi, J.M.

Hon'ble Mr. MP Singh, A.M.

Badri Prasad  
Son of Late Ghasi Ram,  
Resident of Fateh Nagla,  
Post Office Pindouli,  
District Badaun.

(Sri IM Kushwaha, Advocate)

. . . . .Applicant

Versus

1. Union of India through Secretary  
to the Ministry of Communications,  
Department of Posts, Sanchar Bhawa,  
New Delhi.
2. Superintendent of Post Offices,  
Budaun Division, Budaun.
3. State of Uttar Pradesh through  
The Secretary to Government,  
Department of Revenue,  
Civil Secretariat, Lucknow.

(Sri KP Singh, Advocate)

. . . . .Respondents

ORDER (Oral)

By Hon'ble Mr. SKI Naqvi, J.M.

The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985, seeking relief against recovery proceedings initiated by the respondents for realisation of Rs.9011.48 plus other charges by citation note dated 10-6-1994 issued by Tahsildar district Badaun, the copy of which has been annexed as Annexure-A-1 to the OA.

2. As per the applicant's case, while he was posted

as Sub Post Master during the period July, 1968 to February, 1969, he was subjected to criminal trial for the offence punishable under Section 120-B, 409 I.P.C. and also under Section 5(2) and 5(1)(b) of Anti-Corruption Act and he was sentenced to undergo R.I. ~~of~~ one year by Special Judge, Anti Corruption (West) U.P., Lucknow against which the applicant preferred appeal before the Hon'ble High Court and vide judgement dated 6-4-1978 he was acquitted of the charges levelled against him. The applicant has filed a copy of the judgement as Annexure-A-2 to the OA. The applicant further narrates that the respondent no.2 proceeded against him under Rule 16 of CCS (CCA) Rules, 1965 and exonerated him of the charges vide order dated 22-5-1982 but inspite of the judgement and finding in his favour, a citation note has been issued by respondent no.4 under Section 286 of U.P. Z.A.&L.R. Act, 1950 for the recovery of the amount as mentioned above. Against the proceeding for recovery the applicant filed O.S. before the Civil Judge(Junior Division), Badaun, but this plaint was not entertained <sup>there</sup> ~~by them~~ and returned to him for being beyond jurisdiction of that Court. Therefore, ~~the~~ applicant has come up seeking the relief to quash the entire proceedings initiated against him.

3. The respondents have contested the case and raised preliminary objection that the present matter is for recovery under Public Account<sup>ant</sup> Default Act, 1850 (PAD Act) and, therefore, it being not a service matter is not cognizable before the Tribunal. In support of his contention the respondents have filed a copy of the order passed by this Tribunal on 8-5-1998 in OA No. 436/1998 in which it has been held that recovery under Public Account<sup>ant</sup> Default Act, 1850 is not a service

See

matter. Hence, it is not cognizable by Service Tribunals.

4. Heard learned counsel for the contesting parties and perused the record. Here the controversy is very short as to whether such matters are cognizable by this Tribunal or not. We agree with the observation in OA No.436/1998 as referred to by the learned counsel for the respondents and held that recovery under Public <sup>Accountant's</sup> ~~Account~~ Default Act, 1850 is not service matter nor service related dispute, therefore, it is not cognizable by this Tribunal. The OA is dismissed accordingly. There shall be no order as to costs.

  
Member (A)

  
Member (J)

Dube/