

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD**

ORIGINAL APPLICATION NUMBER 1599 OF 2004

ALLAHABAD THIS THE 5<sup>th</sup> DAY OF AUGUST 2005

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Kishore Kumar Yadav,  
Son of Gaj Raj Singh,  
Resident of 25/33 Chhakki Pat Agra

.....Applicant

(By Advocate: Shri D.B. Yadav/L.S. Yadav)

V E R S U S

1. Union of India through its Secretary Ministry of communication, Department of Director General, (P & T) New Delhi.
2. Post Master General, Agra.
3. Senior Superintendent of Post Offices, Agra Division, Agra.
4. District Magistrate Civil Court, Agra.  
..... Respondents

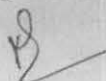
(By Advocate: Shri S. Singh)

O R D E R

By Hon'ble Mrs. Meera Chhibber, Member (J)

By this O.A. applicant has sought quashing of the order dated 05.11.2004 passed by the respondent No.3 for recovery of a sum of Rs. 2,61,805/- from the applicant (Pg.12).

2. It is stated by the applicant that for the same purpose a criminal case has also been filed against the applicant as well as the departmental enquiry has also been initiated, which are still pending but without fixing the responsibility the order for recovery has been passed by the respondent No.3 which



could not be have been done. Therefore, he has prayed that the impugned order may be quashed and set aside.

3. It is seen that impugned annexure A-1 is a letter written by Senior Superintendent of Post Offices Agra Division, Agra to the District Magistrate for recovering the amount from applicant under the PAD Act. This issue had already come for adjudication before the Lucknow Bench of the Tribunal in the case of Madan Lal Mishra Vs. Superintendent of Post Offices but after referring to the various contentions raised by both the parties, it was held in the above said case that since recovery proceedings have been initiated under section 4 of PAD Act, this Tribunal has no jurisdiction to dealt with the said cases. While coming to the said conclusion Lucknow Bench had relied upon on the order dated 24.09.1996 given in O.A. No.471/1996 in the case of Raj Ram Saroj Vs. Union of India and Ors. wherein it was held as under:

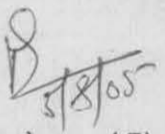
"Under the Revenue Recovery Act, the recovery is being made as arrears of land revenue. The learned counsel for the applicant submitted that recovery as arrears of land revenue cannot be effected unless the department comes to a conclusive finding that loss has been caused to the government of the said amount. This submission is wholly untenable. The applicant does not dispute that he is a public accountant within the meaning of term as defined under Section 3 of the Public Accountant Default Act. He further in the O.A. does not deny entrustment of the amount to him in that capacity, which are government accounts. In the O.A. also he has not indicated anything to show how he accounts for the loss of the said amount which are entrusted to him. That being so, there was clear case of recovery as arrears of land revenue. Since the recovery is being effected under the provisions of PAD Act and the Revenue Recovery Act, in our considered opinion, it cannot be said to be a service matter cognizable before this Tribunal."

4. The judgment dated 24.09.1996 was challenged in the Hon'ble Supreme Court in S.L.P. No.1505/1997 but Hon'ble

Supreme Court also upheld the order passed by the Tribunal by observing as follows:

"In the impugned judgment the Central Administrative Tribunal has observed that the matter of recovery that is being effected against the petitioner under the provisions of the Public Accountant Default Act and the Revenue Recovery Act and it cannot be said to be a service matter cognizable before the Tribunal. We do not find any infirmity in the said view of the Tribunal. It would be open to the applicant to seek redress in an appropriate forum. The special leave petition is, therefore, dismissed".

5. Since the position is clear and upheld right up to Supreme Court of India that in matters of recovery under PAD Act, this Tribunal has no jurisdiction to entertain the petition. This O.A. is dismissed for want of jurisdiction. However, applicant is given liberty to seek the redressal of their grievance in appropriate forum. No costs.

  
Member (J)

Shukla/-