

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 92 of 2004

Dated : This the 09th day of February, 2004

HON'BLE MR. A.K.BHATNAGAR, MEMBER (J)

Sri S.K.Bajpayee S/o Sri Vidya Bhushan Bajpayee,
R/o 128/S-12 A Nala Road, Yashoda Nagar, Kanpur.

.....Applicant.

By Advocate :- Shri Rajeev Trivedi

V E R S U S

1. Union of India through its Secretary, Ministry of Communication, New Delhi.
2. Director, Postal Services, Kanpur Region, Kanpur.
3. Chief Post Master, Head Post Office, Kanpur.

....Respondents.

By Advocate : Shri R.C.Joshi

O R D E R

By this O.A. filed under Section 19 of the the applicant has prayed for following reliefs:-

- " (A) The Hon'ble Tribunal may be pleased to issue an order or direction to quash the impugned order Dt.15.11.2003 passed by respondent no.3, vide annexure-4 to this original application.
- (B) The Hon'ble Tribunal may be pleased to issue an order or direction to the respondents not to proceed with recovery in pursuance of impugned order dt.15.11.2003 during the pendency of the present original application before this Hon'ble

(C) The Hon'ble Tribunal be pleased to issue any other order or direction in the nature of which this Hon'ble Court may deem fit and proper in the present set of facts and circumstances of the case.

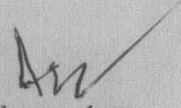
(D) The Hon'ble Tribunal be pleased to award the cost of the present original application in favour of the applicant."

2. The case in brief of the applicant is that he was working as Postal Assistant at Head^{Post}/Office, Banda, and was transferred from Banda to Kanpur Head Post Office in the year 1986. It is alleged that a loss of Rs.8,01,000/- occurred in the department due to irresponsible act of Sri Shailendra Dixit, P.A., NSC Discharge Counter, Kanpur H.O. on 17.03.2003. An F.I.R. was also lodged against Shri Shailendra Dixit. The applicant was not named in the F.I.R. On 18.07.2003, the respondent no.3 served a charge-sheet on the applicant holding him to be partially responsible for the loss of Rs.8,00,000/-. The applicant submitted his reply against the charge levelled against him. However, on conclusion of inquiry, applicant was imposed a penalty of recovery of Rs.88,032/- with immediate effect, which^{is}/to be recovered in 42 instalments at the rate of Rs.2096/- per month. Learned counsel for the applicant submitted that he has filed an appeal provided under Rule 23 of C.C.S.(C.C.A.) Rules, 1965 to Director, Postal Services, Kanpur Region, Kanpur (respondent no.2 in the O.A.) on 29.11.2003 and no decision has yet been taken by the department on the appeal preferred by the applicant. Learned counsel for the respondents prays for time for filing the counter affidavit, which, in my considered opinion, is not necessary at this stage. It will be in the interest of justice if the appeal of

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the applicant dated 29.11.2003(annexure A-5) is decided within the specified period.

3. In view of the above, the O.A. stands disposed of with a direction to the respondent no.2-Director, Postal Services to decide the appeal(annexure A.5) of the applicant communication of within 4 months from the date of this order. It is provided that no recovery, in pursuance of the order dated 15.11.2003, (Annexure A-4) shall be made out till the disposal of appeal. No order as to costs.


Member (J)

/M.M./