

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1094 OF 2004

ALLAHABAD THIS THE 5th DAY OF AUGUST 2005

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

Hira Lal Mall
s/o Ram Chandra Mall
Resident of village Padari Mall P.O.
Deoria Meer Tehsil Deoria
District Deoira.

.....Applicant

(By Advocate: Shri S.K. Mishra)

V E R S U S

1. Union of India through Secretary Ministry of communication, Department of Post, New Delhi.
2. The controller Deoria.
3. Sub Divisional Officer Sadar District Deoria.
4. Tehsildar Sadar District Deoria.
5. Senior Superintendent of Post Offices, Deoria Region, Deoria.

..... Respondents

(By Advocate: Shri S. Singh)

O R D E R

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

None for the applicant even in the revised call. This case was listed yesterday also that counsel for the applicant was present but the case was adjourned for today as the judgment of Lucknow Bench, which ~~had~~ dealt with this issue and upheld by Hon'ble Supreme Court was not available before the court. Since this is a case where ~~the~~ Tribunal has no jurisdiction to interfere, therefore, this case is being decided by attracting Rule 15(1) of CAT procedure Rule 1987.



2. By this O.A. applicant has challenged the recovery proceedings initiated against the applicant in pursuance of the order dated 15.04.2004.

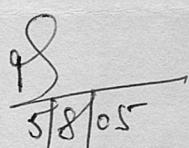
3. The respondents have filed their reply wherein they have stated that applicant while working as GDS BPM Baikunthpur District Deoria misappropriated the value of money orders. Insured letters and amounts to be deposited in several Saving Bank Accounts tendered by the depositors. He also withdrawn the money from several Saving Bank accounts by making forged signature of the depositors in Post Office records. In such a way, he misappropriated the Govt. money to the tune of Rs.38,140/- during the period from 1984-1985. He was departmentally proceeded and was dismissed from service on 22.05.1987. The case was also reported in Police against Shri Heera lal Mal and criminal case No.53/1998, 63/1998, 64/1998 and 1535/1991 State Vs. Heera Lal in C.J.M. Court Deoria are in progress. It is also submitted that the department loss of Rs.29260/- is still outstanding. Recovery certificate was issued vide this office letter dated 30.04.1993 and reminder was issued on 15.04.2004 and was sent to the District Magistrate Deoria and Tahsildar Deoria for taking action under Public Accountant default Act. The action under PAD Act was taken by the revenue authority. Hence the present O.A. No.1094/04 has been filed against the recovery. They have further explained that value of the money order and Insured letters of amount of SB deposits and withdrawals were misappropriated by the applicant. The first information report No.80/85, 501/85, 502/85, 503/85 and 314/88 under section 409 IPC was lodged. Police have charge-sheeted and now cases are under trial. He has been proceeded departmental proceedings and dismissed from service on 22.05.1987. The recovery certificate

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has been issued for civil liabilities which is recoverable from the property of the applicant as arrears of land revenue under the PAD Act. They have, thus, submitted that the O.A may be dismissed.

4. I have heard counsel for the respondents and perused the pleadings as well.

5. Since applicant has already been dismissed from service and respondents have stated that these recoveries are being made against the applicant against his civil liabilities under the PAD Act, we need not ~~tender~~ ^{keep 18} this case any longer as Lucknow Bench of Tribunal has already held in the case of Madan Lal Mishra Vs. Superintendent of Post Offices reported in AISLJ 1998 (2) 302 that this Tribunal has no jurisdiction to interfere in the matter of recovery being affected against the petitioner under the provisions of the PAD Act and the Revenue Recovery Act as it cannot be said to be the service matter cognizable before the Tribunal. This finding recorded by the Tribunal has already been upheld by Hon'ble Supreme Court in SLP No.1505/1997 which is referred to in the judgment of Madan Lal Mishra. Since it is settled position by now that recovery affected under the provisions of PAD Act cannot be said to be a service matter cognizable before the Tribunal, therefore, this O.A. is not maintainable. It is accordingly, dismissed for want of jurisdiction. However, liberty is given to the applicant to seek redressal of his grievance in appropriate forum. No costs.



Member (J)