

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA  
O.A. No. 050/050/00107/2021**

Date of Order: 19<sup>th</sup> February, 2021.

**C O R A M**

**HON'BLE MR M.C. VERMA, MEMBER [J]  
HON'BLE MR. S.K. SINHA, MEMBER [A]**

Komal, S/o Sri Surendra Jha, R/o Mohalla-Tirhut Coloney Madubani, PS & District- Madhubani, at present posted as Office Assistant, O/O Superintendent of Post Offices, Madhubani Division, Madhubani.

..... Applicant.

By Advocate :- Shri Jayant Kumar Karn.

-Versus-

1. The Union of India through the D.G. Cum Secretary, Department of Posts, Dak Bhawan, New Delhi-110001.
2. The Chief Postmaster General, Bihar Circle, Patna-800001.
3. The Post Master General, Northern Region, Muzaffarpur-842002.
4. The Director of Postal Services, Northern Region, Muzarrarpur-842002.
5. The Superintendent of Post Offices, Madhuobani Division, Madhubani-847211.

..... Respondents.

By Advocate :- Shri H.P. Singh.

**ORDER (O R A L)  
Per M.C. Verma, M[J]**

1. The matter is at notice stage hearing. Applicant in instant OA has assailed Order dated 30.10.2018, passed by Disciplinary Authority as well two Orders of the Appellate Authority, namely Order dated 12.10.2020 & Order dated 11.01.2021 whereby rejecting his appeal the amount of recovery was enhanced.

2. Briefly the facts as has emerged from pleadings set out in the OA are that a Disciplinary Proceeding, under Rule 16 of CCS (CCA) Rules 1965, giving charge memorandum /01/19 was initiated against the applicant. The allegation ,mutates mutandis were that The



SPM Baboo Barahi was not submitting the SPM monthly report to the Head Office and she being a Sub Account PA, Madhubani Head Office, by not bringing the matter in the notice of the Post master felicitated the misappropriation of Govt. Money and fraud amounting to Rs. 65,32,625/-. After considering her written statement of defence, Disciplinary Authority (the Superintendent of Post Offices, Madhubani Division, Madhubani) inflicted punishment of recovery of Rs. 1,25,000/- from her salary, in 25 installments @ Rs. 5000/- per month. Applicant preferred departmental appeal, The appellate Authority (the Director of Postal Services, Northern Region, Muzaffarpur) purposing enhancement of recovery amount, from Rs. 1,25,000/- to Rs.5,00,000/- , issued show cause notice dated 07/03/2020 and vide Order dated 12.10.2020 rejected the Appeal and while rejecting the Appeal observed that decision of show cause notice issued for enhancement of recovery amount will be issued separately. That thereafter, after considering her reply, the amount of recovery, vide Order dated 11.01.2021 was enhanced to Rs. 4,25,000/- and recovery @ Rs.10,000/- was directed.



3. Advance copy of the OA has been served to the counsel for respondents and this OA when come on Board for first time, on 17.02.2021, the counsel for respondents, Shri H.P. Singh took preliminary objection that no Revision has been preferred by the applicant against the impugned Order passed by the Appellate Authority and therefore, the OA is not maintainable. On request of applicant's counsel matter was adjourned for today.

4. Today learned counsel for applicant, Shri J.K. Karn Advocate referring show cause notice dated 07.03.2020 and impugned order dated 11.01.2021 submits that bare glance of these two documents reveals that show cause notice was issued under Rule 29(1) (v) of CCS (CCA) Rules 1965 and the order dated 11.01.2021 has also been passed under Rule 29(1) (v) of CCS (CCA) Rules 1965. That Revisionary power can also be invoked suo motu so if any Revision is preferred by applicant, the respondent's authority may take the stand that already revisionary power has been used. He urged that applicant wants to prefer Revision, withdrawing this OA but whether Revision filed would be considered or not by the respondents is her apprehension. He concluded that if respondents are willing to consider the Revision, to be preferred by the applicant, the applicant would not opt to press this OA and would like to withdraw the OA with liberty to file the Revision.



5. Learned counsel for respondents, Shri H.P. Singh clarified the position and submitted that Appellate Authority is having power to enhance punishment, after giving show cause notice but said power is exercisable only under Rule 27 of CCS (CCA) Rules and not under Rule 29. That inadvertently Rule 29(1)(v) of CCS (CCA) Rules has been quoted in show cause notice and the order passed. He further clarified that there is no legal impediment for filing Revision and if applicant would file the Revision the same would be considered by the Revisionary Authority on its merit.

6. Having taken note of entirety, the OA stands disposed of as withdrawn with a liberty to the applicant to file Revision petition within two weeks from the of this Order and the Respondents are directed to consider and pass a reasoned and speaking order on the Revision petition within three months, if is filed within given time.



[Sunil Kumar Sinha]  
Member [A]

[M.C. Verma]  
Member [J]