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(F)

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Registration (OA) No. 359 of 1986

Mahendra Pal Gupta

applicant.

Versus

Superintendent of Post Offices Etah,  
and others.

Respondents.

Hon'ble D S Misra, A.M.  
Hon'ble G S Sharma, J.M.

( By Hon'ble D S Misra)

This is an application under Section 19 of the A.T. Act XIII of 1985 against the order dated 21.3.1985 passed by Superintendent of Post Offices, Etah ordering recovery of Rs. 5037/- at the rate of Rs.100/- per month on the plea of over payment.

2. Counter affidavit and rejoinder affidavit ~~not~~ have been exchanged between the parties. Before going into the merits of the case, it would be necessary to dispose of the preliminary objection raised by the respondents that the applicant has not availed of the departmental remedy available to him before filing the instant petition.

3. We have heard learned counsel for the parties on this question. Learned counsel for the applicant has contended that the order of recovery was made by the Director Postal Services, Kanpur Region. Therefore, he had filed an appeal to the Post Master General, U.P.. This contention of the applicant has been denied by the learned counsel for the respondents, who has pointed out that the order dated 27.3.85 (annexure C

be

to the application) is in the nature of information to four officials from whom recoveries were to be made . On receipt of a representation of the applicant dated 4.4.85, the Superintendent of post offices Etah had passed order on 6th April,1985 giving the details of over payments made to him. The applicant has contended that he had made an appeal to the Post Master General,U.P.vide his letter dated 3.5.85(copy annexure E to the application).

4.We have considered the matter and we are of the opinion that the order of recovery not being by way of punishment, an appeal against this order is not mandatory under the CCS(CCA) Rules 1965. However, as the applicant has chosen to file a representation to the Post Master General, he may exhaust this channel for redressal of his grievance. The contention of the applicant that as the order of recovery was passed by Director Postal Services is not correct. The order of recovery was passed by Superintendent of Post Offices and a representation or appeal against the order should be made to the next higher authority i.e,Director Postal Services.

Accordingly,we direct the applicant to file a proper appeal/representation to the Director Postal Services, who may entertain the representation and pass orders within a period of three months.The application is disposed of accordingly and the parties shall bear their own costs.

*Bhima*  
29.2.88  
A.M.

*Subhamita*  
29/2/88  
J.M.