

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD

O.A. No.  
T.A. No.

929

1987

DATE OF DECISION \_\_\_\_\_

J. P. Srivastava

Petitioner

R. K. Tiwari

Advocate for the Petitioner(s)

Versus

Subsidiary Post Office, Banda Div Banda

Respondent

K. C. Sinha

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr.

S. Zahoor Hasan, V.C.

The Hon'ble Mr.

Ajay John, A.M.

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?

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Sahu/-

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(A3) (4)

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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No.929 of 1987

Jagdamba Prasad Srivastava .... Applicant

Versus

Superintendent of Post Offices,  
Banda Division, Banda. ... Respondent

Hon.S.Zaheer Hasan, V.C.

Hon. Ajay Johri, A.M.

(By Hon.S.Zaheer Hasan, V.C.)

This is an application under Section 19  
of the Administrative Tribunals Act XIII of 1985.

2. The applicant Jagdamba Prasad Srivastava was working as Sub Postmaster Incharge of Karwi Sub Post Office under Banda Postal Division in 1986. It is said that due to negligence of the applicant the Department suffered a loss of Rs.10,875-80 being the total value of all the eleven bogus money orders against which payments were made. The applicant was chargesheeted and awarded a minor penalty i.e. recovery of Rs. 5,475-80 recoverable in 36 instalments of Rs.152/- each and the last instalment being Rs. 155-80 from the pay of the applicant vide order dated 31.8.87. In the application it has been stated that the applicant was not challenging the propriety of this order dated 31.8.1987. But the respondent was not

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justified to review the order dated 31.8.87 by passing an order dated 16.9.87 according to which the recovery was to be made in 12 instalments of Rs. 446/- each. The memo dated 16.9.87 was issued without jurisdiction and against the rules of principles of natural justice and without hearing the applicant. The disciplinary authority could not review its own order. So it was prayed that the amendment order dated 16.9.87 be quashed.

3. The defence is that the applicant has to retire on 31.8.88 so the order dated 31.8.87 granting 36 instalments would become ineffective. So on 16.9.87 the order dated 31.8.87 was revised and the applicant was directed to pay the entire amount in 12 instalments i.e. before his retirement. Reliance was placed on the Director General Post Offices memo dated 27.7.83 in which it has been stated that the punishing authority could not revise its order except those orders which are inapplicable and ineffective. The applicant would retire on 31.8.88 and if the recovery is made as originally ordered on 31.8.87 the aforesaid order would become ineffective. So the authorities were justified in ordering on 16.9.87 that the payments should be made in 12 instalments i.e. before his retirement. So we find no force in this petition

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and reject the same with costs on parties.

The applicant was ordered to pay Rs. 5,475-80.

Some amount has been recovered from him. The balance may be recovered from his pay in equal instalments before he retires on 31.8.1988.

~~B/SR/Officer~~

Member (A)

*Yours*  
Vice Chairman

Dated the 9<sup>th</sup> Feb., 1988

RKM