

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A.No.593 of 1988

KodaiRam Applicant

Versus

Union of India & Others Respondents.

Hon. D.S.Misra, A.M.

Hon. G.S.Sharma, J.M.

(By Hon. D.S.Misra, A.M.)

In this application under Section 19 of the Administrative Tribunals Act XIII of 1985 the applicant has sought the quashing of the Chargesheet dated 3.12.1987 served on him and ^{has further prayed that} the respondents be restrained from recovering any money from him. The application has not yet been admitted and an application for amendment of the claim petition has been filed which has the effect of adding another relief that the order dated 30.8.1988 passed by the respondents be quashed and recovery proceedings issued by the respondents be stayed.

2. We have heard the learned counsel for the applicant. On his own admission the applicant was served ^{with} a chargesheet dated 27.11.87 under Rule 16 of the C.C.S.(CCA) Rules, 1965 alleging that while working as

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a Ledger Clerk R.D./C.T.D. Basti H.O. and also working as A.P.M. RD/CTD Basti H.O. he failed to discharge his duties properly resulting in the commission of fraud and misappropriation to the extent of Rs.25529-75 and that he had failed to observe provisions of Rules 424(2)(i), 496(b), 496(c) and Note-I, below Rule 425(b) (ii) and thereby violated Rule 3(I)(ii) and 3(2)(i) of CCS(Conduct) Rules, 1964. From a perusal of the order of punishment dated 30.8.88 filed by the applicant with the application for amendment of the claim petition, it is noticed that the applicant did not furnish his explanation to the chargesheet and also did not participate in the inquiry and an ex parte order was passed by the Superintendent Post Offices, Basti holding him responsible for the pecuniary loss caused to the Govt. and passing an order for the recovery of a sum of Rs.14,560/- in 28 instalments of Rs.520/- each. It is thus evident that the order of punishment has been passed under the C.C.S.(CCA) Rules and the applicant is entitled to file an appeal to the appellate authority. Instead

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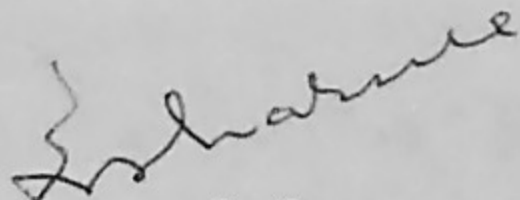
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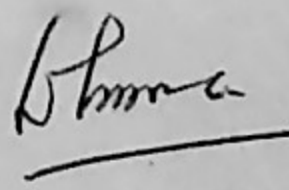
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of filing an appeal to the appropriate appellate authority to cancel the order of punishment the applicant has brought an application for amendment of the claim petition. The proposed amendment is for a separate cause of action and the impugned order of punishment can be challenged only after the applicant has exhausted the remedies available to him under the CCS(CCA) Rules, 1965 for the redressal of his grievance. We accordingly reject the application for amendment of the claim petition.

3. We have also considered the original application seeking the quashing of the chargesheet dated 3.12.87 served on the applicant. As the follow up action on the chargesheet has already been taken by the respondents there is no action left for consideration of the request for quashing the chargesheet. We are of the opinion that the application has become infructuous and the same is dismissed at the admission stage.


J.M.


A.M.

Dated the 29th Sept., 1988.

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