

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 1315 of 1992

Yogendra Pratap Singh

.... Applicant

Versus

Union of India and Others

.... Respondents

CORAM:

Hon'ble Justice U.C. Srivastava, V.C

Hon'ble Mr. K. Obayya, Member(A)

As the pleadings are complete, the case is being heard and disposed off finally. The applicant was an Extra Departmental Mail Carrier Runner and his services were governed by Posts and Telegraphs Extra Departmental Agents (Conduct and Service) Rules 1964. The applicant on 12.8.85 was assigned the duty to take delivery of postal bags from Railway Mail Service, Deoria and to bring them to different post offices.

2. According to the applicant at a particular station he dropped the taxi and in the meantime ~~he~~ was found that five bags were stolen. The applicant lodged an F.I.R against the same. Later on, on investigation some of the stolen articles were recovered and part were not recovered. The police submitted a final report in the matter. It was thereafter

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the departmental proceedings were initiated against the applicant and the applicant was found guilty and that is why he was dismissed from service. The applicant did not challenge the said order. It is thereafter recovery proceedings against the applicant started u/s 4 of the Public Accounts Default Act 1985 by issuing a citation. It is against the citation and the matter was sent to the Tehsildar, Salempur for recovery of the said amount. It is the order which under challenge.

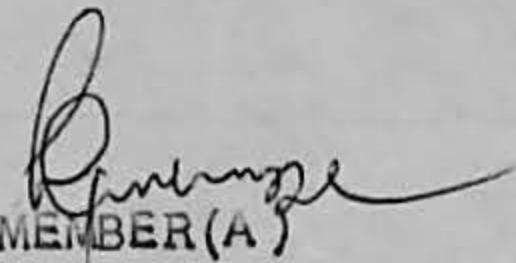
3. According to the applicant without fixing the latches and liability by holding that he was found guilty of the loss to the tune of Rs.10,400 which the government suffered because of the act and negligence against the applicant, no recovery proceedings could have been taken even under the Default Act read with the directions of the Postal Manual proved after notice to the applicant because of his negligence the department was suffered a loss and after taking his version any liability could have been fixed and after fixing the liability, incase he would not have paid the amount, proceedings against recovery could have taken place. But no such procedure has followed.

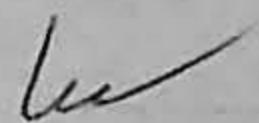
4. Accordingly, this application deserves to be allowed. However, it will be open for the department to take proceedings against the applicant in accordance with law after giving an opportunity of hearing to the applicant under Sec. 4 of the Public Accounts Default Act, 1985 as is enjoined by the said

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Act and the provisions contained in the P&T Manual.
No order as to the costs.


Member (A)


VICE CHAIRMAN

Dated: 3rd Dec: 1992

(Uv)