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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

O.A. No. 1424 of 2000

This the 26th day of November 2002

HON'BLE SHRI M.P. SINGH, MEMBER (A)

Pratam Singh Parmar,
S/o Shri Sri Farri Singh Parmar,
R/o Village Manepure, Post Office
Goharari, District Fatehpur.

.....Applicant

(Shri K.P. Singh with Shri D.S. Parmar, Advocates)

Versus

1. Director, Postal Services,
Kanpur Region, Kanpur.
2. Superintendent of Post Offices,
Fatehpur Division, Fatehpur,
Pin code - 212601.

3. The Union of India through Secretary,
Ministry of Communication, Govt. of India,
New Delhi.

.....Respondents.

(Shri V.V. Mishra, Advocate)

ORDER (ORAL)

In this OA, the applicant is challenging the order dated 25.4.2000 passed by the respondent no.2 and order dated 5.9.2000 passed by the respondent no.1.

2. The brief facts of the case, as stated by the applicant, are that the applicant, while he had been working as Senior Postmaster, Kodajahanabad, District - Fatehpur, was issued Charge a/Memo dated 14.1.2000 under rule 16 of the CCS (CCA) Rules, 1965 alleging gross negligence in discharging the official duties. In the charge-memo, it was also alleged that the applicant had acted in contravention of Rule 58 of FM3 Vol.-I and Rule 204 (A) of Postal Man. Vol.III read with Rule 9 of Postal Man. Vol.VI Part-III as amended by Dte. of Communication dated 10.10.1996 and thus the same has resulted in the loss of Rs.49,800/- to the Government. The applicant vide letter dated 21.2.2000 has submitted his reply to the chargesheet to the respondent no.2 stating that the allegations are vague and misconceived. The respondent no.2 vide impugned order dated 25.4.2000 held the applicant responsible for alleged negligence in discharging his duties and imposed the penalty of recovery

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of Rs.24,800/- from his pay. The applicant has filed his appeal dated 12.6.2000 (Annexure A-6) to the appellate authority against the aforesaid order passed by the disciplinary authority and the appellate authority has rejected the aforesaid appeal vide order dated 5.9.2000. Aggrieved by this, he has filed the present OA seeking direction to quash and set aside the order dated 25.4.2000 (Annexure A-1) and order dated 5.9.2000 (Annexure A-2) passed by the respondent no.2 and respondent no.1 respectively and has also sought a direction to the respondents to refund the amount already deducted from his salary with 18% interest thereon.

3. Respondents in their reply have stated that an incident of theft was committed at Koda Jahanabad Post Office in the night of 28/29.12.1998 by breaking the southern side wall of the post office in which cash worth Rs.49,800 closed in cash bag of Amouli Post Office to Bindki Post Office, which was kept in the Registered bag from Amouli to Bindki Post Office in an unscheduled way was stolen by thieves. On unscheduled retention, sub Postmaster should have made arrangements for safety of the retained bags and at least it should have either been locked in the steel almirah provided in the post office or at least the box in which bags were reported kept unlocked should have been securely locked. The applicant did not do any thing for security of the retained bags. Thus, he has committed gross negligence in performing his official duties, which resulted a loss of Rs.49,800/- to the Government. It was further found that the applicant himself has frequently remitted cash much above his authorised limit of remittance in cash bag as prescribed in Rule 9 of Postal Man. Vol. VI as amended from time to time. He was given an opportunity to submit his defence representation. On receipt of the Memo, the applicant had submitted his representation on 21.2.2000. The aforesaid defence representation had not been taken into consideration but the same was not found convincing and satisfactory. His liability for the said loss was assessed and he was awarded the punishment of recovery of Rs.24,800/- from his pay vide Memo dated 25.4.2000. According to the respondents, the applicant has not exhausted all the channel of appeal as he should have preferred a revision

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petition against the aforesaid order of the appellat authority to Member (P) Postal Services Board before filing the present OA.

In view of the aforesaid submissions, the OA is without merit and the same is liable to be dismissed with costs.

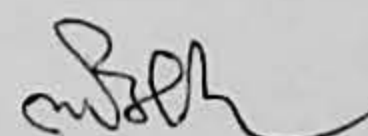
4. Heard learned counsel for the rival contesting parties and perused the material placed on record.

5. During the course of the arguments, learned counsel for the respondents has submitted that the applicant has not exhausted all the departmental remedies before approaching the Tribunal.

6. Learned counsel for the applicant has no objection, if the present OA is disposed of with a direction to the applicant to file a revision petition to the revisional authority and the same is disposed of by the revisional authority within a stipulated period.

7. I find force in the submissions made by the learned counsel for the respondents and having regard to the aforesaid submissions of the learned counsel for the applicant, the case of the applicant is remitted back to the respondents. The applicant is directed to file a revision petition within a period of one months from the date of receipt of a certified copy of this order. Thereafter the respondents are directed to consider the revision petition and also the present OA as a part of his revision petition and pass a reasoned and speaking order within a period of three months from the date of receipt of the revision petition of the applicant.

8. The present OA is disposed of in the aforestated terms.


(M.P. Singh)
Member (A)

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