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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD.

Allahabad; this the 28th day of July 2000.

ORIGINAL APPLICATION No.91/2000.

CORAM:

Hon' Mr. Justice R.R.K. Trivedi. V.C.

Hon' Mr. S. Biswas. A.M.

Subedar Singh

S/o Sri Bishesar Singh,

R/o Village- Shespur.

Tehsil Badlapur.

Distt- Jaunpur.

.....Petitioner.

(Counsel for the applicant : Sri. R.N. Kesari. Adv)

Versus.

1. Union of India, through, Secretary  
Ministr of Postal Department, New Delhi.
2. Adhichak Dakghar, Jaunpur Mandal,  
Distt- Jaunpur.
3. The Collector, Jaunpur.
4. The Tahsildar, Tahsil Badlapur.  
Distt. Jaunpur.

.....Respondents.

(Counsel for the respondents: Sri. Amit Sthalekar. Adv)

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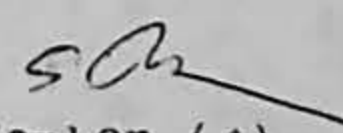
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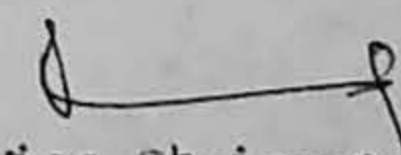
ORDER (Oral)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

List has been revised. None is present for the applicant. We have heard Sri A. Sthalekar, counsel for the respondents. By this application citation dated 26-11-1999 issued by Tahsildar (Annexure-1), (wrongly mentioned as recovery certificate in the application) has been challenged. The amount of recovery is Rs. 1,02,743.85 and other dues. No order of punishment under which, the amount is to be recovered, has been challenged before us. In our considered opinion, if the order under which the liability to recover the amount has been fixed, has not been challenged and that has been allowed to become final, consequential step, namely, recovery of the amount alone cannot be challenged before this Tribunal. Such recoveries are under the Public Debt Recovery Act. A division Bench of this Tribunal, in case of Mandan Lal Mishra Vs. Superintendent of Post Offices and Others, 1988 Vol II, C.A.T. Page 302 has already held that recovery proceedings under P.D. Act are not disputes regarding service matter and an application under section 19 of the Act is not legally maintainable. The application is accordingly rejected as not maintainable. The interim order dated 3-2-2000 is vacated.

There shall be no order as to costs.

  
Member (A)

  
Vice Chairman

Dube/