

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 8th day of March 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

D.No. 878 of 2002. O.A. No.266 of 2002

Prabhu Dayal Gupta s/o Late Sri Rameshwar Seth, presently posted as S.P.M. H.S.G. II/BCH, Gyanpur, S.O. Sant Ravidas Nagar.....

..... Applicant.

Counsel for applicant : Sri B.N. Singh.

Versus

1. Union of India through its Secretary, Ministry of Communication Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, UP Circle, Lucknow.
3. The Director, Postal Services, Allahabad Region, Allahabad
4. The Superintendent, Post Offices, West Division, Varanasi.....

..... Respondents.

Counsel for respondents : Sri R.C. Joshi.

O R D E R (ORAL)

BY HON. MR. S. DAYAL, A.M.

This application has been filed for setting aside impugned order dated 16.5.00 and 31.1.01. A prayer has also been made for direction to the respondents to refund the amount which has already been deducted from the salary of the applicant. The applicant has also prayed for staying the recovery @ Rs.1170/= per month as interim relief.

2. The applicant has mentioned that a charge-sheet was issued to him and departmental enquiry was held which according to him held the following principles of natural justice and penalty of withdrawal his next increment of pay for a period of one year six months without cumulative effect was imposed. The applicant filed an appeal before the appellate authority, who issued a show-cause notice for enhancement of punishment. The applicant filed representation against the show-cause notice which was not considered



and the appeal of the applicant was rejected. The penalty of recovery of outstanding loss of Rs.42,251.75 paise in 36 instalments was also imposed. The applicant preferred petition/appeal dated 31.5.01 to Member(P), Postal Services Board, New Delhi. It is claimed that the representation/appeal is still pending. The Member (P), Postal Services Board, New Delhi has asked the applicant to file his petition/appeal before CPMG, Lucknow who is competent to decide the matter. The applicant has filed a petition/appeal dated 28.10.01 which remains undecided till date.

3. I am of the view that at this stage the end of justice would be served if the respondent No.2 is directed to decide the petition/appeal of the applicant within a period of three months from the date of receipt of a copy of this order along with petition/appeal dated 28.10.01. The respondents may not recover any amount from the applicant in the meanwhile.

There shall be no order as to costs.


A.M.

Asthana/
8.3.02