

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Dated : This the 20th day of September 2002.

Original Application no. 1062 of 2002.

Hon'ble Maj Gen KK Srivastava, Member (A).

Pooran Mal, S/o Sri Bangali Mal,  
R/o Mohalla Jamunapar, Shivpuri Mathura.

Presently posted as Mail Overseer Head Post Office,  
Mathura.

... Applicant

By Adv : Sri J.P Singh

Versus

1. Senior Supdt. of Post Office,  
Mathura.
2. Director Postal Services Office of Post Master General,  
Agra Region, Agra..
3. Union of India through its Secretary Postal Department,  
Ministry of Communication, New Delhi.

... Respondents

By Adv : Sri R C Joshi

ORDER

Hon'ble Maj Gen KK Srivastava, Member-A.

By this OA, filed under section 19 of the A.T. Act, 1985, the applicant has challenged the order dated 12.7.2002 ordering recovery of Rs. 30,000/- from the pay of the applicant in 30 equal instalments of Rs. 1000/- each.

2. Shri J.P. Singh, learned counsel for the applicant submitted that the applicant <sup>is</sup> presently posted as Mail Overseer in Head Post Office, Mathura. On 16.5.2002 he was carrying Govt. money <sup>amounting to</sup> Rs. 30,000/- from Head Post Office, Mahavan Branch Post Office, as per order <sup>of</sup> respondent no. 1. On way to Mahavan

....2/-

*he robbed him*

way to Mahavan Post Office, he was ~~robbed~~ by unknown miscreants and in the scuffle he sustained serious injuries for which he was treated. The applicant lodged an FIR at Police Station, Jamunapar on the same date. Inspite of this, the learned counsel for the applicant argued that the applicant was served with the charge sheet dated 20.6.2002 and the recovery of Rs. 30,000/- has been ordered from the pay of the applicant in 30 equal instalments of Rs. 1000/- each,

*which is unjustified and inhuman. The respondents are insensitive in their initiatives towards the circumstances under which the applicant was robbed of the money he was carrying. Learned counsel for the applicant submitted that the applicant has filed appeal before respondent no. 2 on 27.7.02 (Ann A6), which has not been decided so far.*

3. Shri C Prasad brief holder of Shri R C Joshi, learned counsel for the respondents, justifying the action of the respondents, submitted that the ~~loss of~~ Govt. money has been lost from the possession of the applicant and he is duty bound to refund the Govt. money. Keeping in view the circumstances, the applicant has been punished only with the recovery of the loss caused to the Govt and no other punishment has been *awarded him*.

4. I have heard learned counsel for the respondents, considered their submissions and perused records.

5. In my opinion the ends of justice shall be better served, if the appeal of the applicant dated 23.7.2002 filed before respondent no. 2 is decided within specified time.

*W.M.*

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6. In the facts and circumstances, the OA is finally disposed of with the direction to respondent no. 2 i.e Director Postal Services, Agra to decide the appeal of the applicant's dated 23.7.2002 within four months from the date of communication of this order by reasoned and speaking order. The recovery of Rs. 1000/- permonth from the pay and allowances of the applicant is stayed till the appeal is decided by the respondent no. 2.

7. There shall be no order as to costs.



Member-A

/pc/