

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1206 OF 2003
ALLAHABAD THIS THE 7TH DAY OF JANUARY, 2004

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

Shri S.S. Trivedi,
son of Sri S.B. Trivedi,
A.P.M. Kanpur, H.O.,
resident of H. No.91-E-7, Dabauli,
Kanpur Nagar.Applicant

(By Advocate Shri K.K. Tripathi)

Versus

1. Union of India,
through its Secretary,
Ministry of Communication,
Department of Posts,
New Delhi.
2. Director,
Postal Services Kanpur Region,
Kanpur.
3. Chief Post Master,
Head Post Office,
Kanpur.

.....Respondents

(By Advocate Shri R. C. Joshi)

ORDER

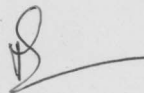
By this O.A. applicant has challenged the order dated 06.09.2003 (Page 15) whereby the charged official has been found guilty of being a subsidiary offender in the case, as such it has been ordered that an amount of Rs.90,972/- be recovered from the charged official, with the




aim of partially making good ~~that~~ the loss of Rs. 8 lakh suffered by the Government of India. The said recovery was directed to be made in 42 monthly instalments of Rs 2166/- with immediate effect.

2. It is submitted by the applicant that being aggrieved by the impugned order he has filed a detailed appeal dated 20.09.2003 to the D.P.S., Kanpur Region, Kanpur through proper channel (Page 32), but till date neither the said appeal has been decided, nor interim order has been granted by the Appellate Authority. He has thus ^{been} forced to file the present O.A. for seeking stay of the operation of the impugned order. Applicant has taken number of grounds to challenge the impugned order.

3. ~~But~~ At this stage we need not go into the merits of the case because it is premature. Applicant has already filed his appeal to the D.P.S. through proper channel as back as on 20.09.2003. If such an appeal has ^{been} filed it is expected that the same should be decided within a reasonable period. Since applicant has stated that in the F.I.R., chargesheet ~~which~~ has been filed only against the counter ^p encharge and applicant is not at all ~~is~~ involved in the loss to the Govt. of India, therefore, it is better, if this O.A. is decided at the admission stage itself by giving a direction to the respondent no.2 to decide the appeal of the applicant by passing a reasoned and speaking order after dealing with all the points raised by the applicant, within a period of six weeks from the dated of receipt of a copy of this order. If the Appellate authority is satisfied that applicant has made out a prima-facie case, he may give some interim relief to the applicant or decide the appeal within the stipulated period as directed above. It will be open to the applicant to raise all the



points, if he is still aggrieved by the orders passed by the Appellate Authority as this O.A. has not been decided on merits. No costs.


Member-J

/Neelam/