

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1352 OF 2003

ALLAHABAD, THIS THE 06th DAY OF NOVEMBER, 2003

HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)

Narendra Kumar Gangwar,
s/o Haridwari Lal Gangwar,
r/o House No.198, Mohalla Bhan Singh,
Pilibhit City.

.....Applicant

(By Advocate : Shri A. Tripathi)

V E R S U S

1. Union of India through the Secretary(Posts),
Department of Posts, India,
Ministry of Communication, Dak Bhawan,
Sansad Marg, New Delhi.
2. Senior Superintendent of Post Offices,
Bareilly Division, Bareilly.
3. Director Postal Services,
Bareilly Region, Bareilly.

....Respondents

(By Advocate : Shri R. C. Joshi)

O R D E R

By this Original Application filed under section 19 of Administrative Tribunals Act, 1985, the applicant has sought quashing of the order dated 28.03.2002 passed by respondent No.2. He has further sought a direction to the respondents not to recover the said amount of Rs,26,000/- from the monthly salary of the applicant as he is not at all responsible for the alleged loss and to refund the amount which has already been recovered from his pay so far ~~as~~ this



// 2 //

or Hon'ble Tribunal may ^{pass such other order/orders that it} deem fit and proper in the circumstances of the case. By way of interim order applicant has sought the order restraining the respondents ^{from} ~~for~~ recovering the instalment from the applicant's pay during the pendency of this O.A.

2. I have heard the applicant's counsel. It is submitted by the applicant's counsel that if the duties and responsibilities of Postal Assistant are seen, it would be clear that applicant cannot be blamed for the loss alleged to have been caused to the department. Therefore, this recovery is ~~perse~~, illegal, arbitrary and as such is liable to be quashed and set aside. However, it is seen in para 6 of the O.A. ~~that~~ applicant has submitted that against the impugned order applicant has already filed his appeal to the Director Postal Services i.e. respondent No.3 but the same has not been decided till date. He has annexed a copy of the appeal at Page-56 of the O.A. which is duly received by the office at Pilibhit on 21.05.2002.

3. Since this is a case, where applicant has been imposed penalty by the disciplinary authority and he has a right of filing appeal against the said order, which has already been filed by the applicant. The same should have been decided by the Director Postal Services. Why the same was not decided, need not be looked at this stage as



according to applicant the same is still pending. In a disciplinary case, it is always better to await the orders of the appellate authority as he can look into the evidence and reappreciate them if need be. Whereas in a court of law the evidence cannot be reappreciated, therefore, it would be in the interest of applicant himself if without expressing anything on the merits of the case, this O.A. is disposed off at the admission stage itself by giving a direction to the respondent No.3 to consider the appeal, annexed at Pg.56 of the O.A., by passing a reasoned and detailed order within a period of 4 weeks from the date of receipt of a copy of this order under intimation to the applicant.

4. With the above direction, this O.A. is disposed off at the admission stage itself with no order as to costs.



Member -J

shukla/-