

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 822 of 2003

Allahabad this the 25th day of July, 2003

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. D.R. Tewari, Member (A)

Chandra Deo Prasad, Son of Late Bideshi, aged about 53 years, Working as Postal Assistant, Ballia Head Post Office, Ballia.

Applicant

By Advocate Shri M.K. Upadhyay

Versus

1. Union of India through Secretary, Ministry of Communication, Department of Post, New Delhi-1.
2. Director of Postal Services, Gorakhpur Region, Gorakhpur.
3. Superintendent of Post Offices, Ballia.

Respondents

By Advocate Shri R.C. Joshi

ORDER (Oral)

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

By this O.A. under Section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged the order dated 03.07.2003 by which punishment has been enhanced by the appellate authority with regard to recovery of the amount. The recovery ordered by the disciplinary authority was Rs.7,200/- which has been enhanced by the appellate authority to Rs.30,560/-. The applicant against this order has

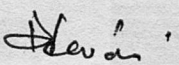
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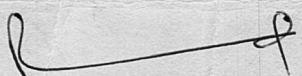
right of appeal under Rule 23 of C.C.S.(C.C.A.) Rules, 1965 . There is no dispute about this legal position and as the applicant has a right of statutory appeal, this O.A. is not legally maintainable.

2. Counsel for the applicant, however, submitted that by the impugned order direction has been given to recover the amount from the applicant at the rate of Rs.2000/- per month in 15 instalments. Learned counsel for the applicant has submitted that in case amount of Rs.2000/- is deducted from the applicant's salary every month, it shall be difficult for him to maintain his family. It is submitted that the recovery of amount during pendency of appeal may be stayed. It is also submitted that under the rules applicable to the appeal, appellate authority has no right to stay the recovery of the amount.

3. Considering the facts and circumstances, we dispose of this O.A. with liberty to the applicant to file appeal against the order dated 03.07.2003 before the competent authority. The appeal if so filed within 15 days from today, same shall be considered and decided by the appellate authority within 3 months from the date of copy of this order is filed. For a period of 3 months or till the appeal is decided, the recovery of amount of Rs.30,560/- shall remain stayed, whichever is earlier. No order as to costs.

4. Copy of this order be given to the counsel for the parties within 3 days.


Member (A)


Vice Chairman