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(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

ALLAHABAD this the **30th** day of **November, 2007**.

HON'BLE MR. P.K. CHATTERJI, MEMBER- A.

ORIGINAL APPLICATION NO. 1164 OF 2007

Bishwambher Singh Gaur, a/ a 49 years, S/o Late R.S. Singh,
R/o H. No. 175, Perdewanpur, Lal Bangla, Kanpur Nagar.

.....Applicant.

VE R S U S

1. Union of India through the Secretary,
M/o Communication, D/o Posts, Janpath, New Delhi- 11.
2. The Director General (Posts and Telegraph),
Janpath, New Delhi- 11.
3. The Director of Postal Services, Office of the Post Master General
Kanpur Region, Kanpur.
4. The Senior Superintendent of Post Offices,
Kanpur City Division, Kanpur.

.....Respondents

Present for the Applicant:

Sri R.K. Shukla

Present for the Respondents :

Sri S. Singh

ORDER

The applicant has approached this Tribunal with a grievance that the disciplinary authority has imposed penalty of recovery of heavy amount from his salary for his alleged act of omission, which does not have any criminal angle and the respondents' department had lost money due to fraud committed by another individual. The applicant further says that the amount, which has been directed to have been recovered per month is Rs. 2000/- and such order is in contravention of

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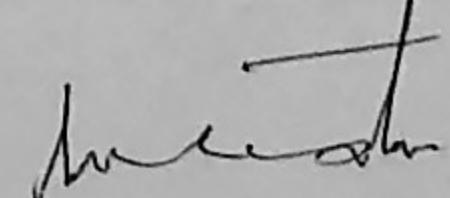
relevant rules, which stipulates that not more than 1/3 of basic pay can be recovered in monthly installments. The applicant further says that he has filed appeal against the decision of the disciplinary authority, which has still not been decided. The appeal however, was filed on 12.11.2007 and, therefore, some time should have been given to the Appellate Authority before approaching the Tribunal. The Original Application, therefore, appears to be premature.

2. However, keeping in view the fact that ~~1000/-~~ sum is directed to be recovered from the salary of the applicant in monthly installments, the appellate authority should consider the matter and dispose of the appeal at the earliest possible.

3. I, therefore, direct that the appellate authority will take his decision on the appeal within a period of two months from today after considering the matter in all aspects.

4. In view of the arguments placed by the learned counsel for the applicant that recovery of Rs. 2000/-, is in excess of 1/3 of basic pay of the applicant, which is in contravention of relevant rules, I also direct that pending appellate decision, further recovery from the salary of the applicant be stayed. This is not going to cause any administrative problem.

5. With the above directions, the Original Application is disposed of finally with no order as to costs. However, liberty is given to the applicant to approach the Tribunal, in case his grievance still subsists after the appellate decision.



MEMBER- A.