

(2)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1241 OF 2007

ALLAHABAD THIS THE 3<sup>rd</sup> DAY OF MARCH, 2008

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

Dinesh Chandra Agnihotri,  
Aged about 43 years,  
S/o Late Mangali Prasad,  
R/O EWS-246, Barun Vihar, Barra-8,  
Kanpur Nagar-27.

..... .Applicant

By Advocate : Shri R. K. Shukla

Versus

1. The Union of India through the Secretary,  
Ministry of Communications,  
Department of Post India,  
New Delhi-11.
2. The Director General,  
Posts and Telegraph, Janpath,  
New Delhi-II.
3. The Director of Postal Services,  
Office of the post Master General,  
Kanpur Region, Kanpur.
4. The Senior Supdt. Of Post Offices,  
Kanpur City Division,  
Kanpur.

..... .Respondents

By Advocate : Shri Saumitra Singh

O R D E R

This application is filed seeking quashing of the impugned order dated 21.09.2007 (Annexure A-I) imposing the penalty of recovery of Rs.39,000/- only in 30 instalments at the rate of Rs.1300/- per month. Aggrieved by the same the applicant has filed a appeal before the Appellate Authority on 24.10.2007. The grievance of the applicant is that the impugned order was passed without giving show cause notice to the

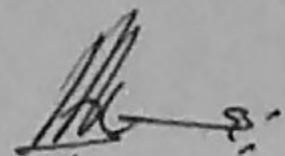


(3)

applicant and without giving any opportunity of hearing to the applicant. Having regard to the grounds urged in this OA and also when the appeal is pending before the Appellate Authority, since it is not disposed of, therefore, this OA is filed for quashing of the impugned order.

2. The learned counsel for the respondents submits that having regard to the fact that the appeal is pending before the Appellate Authority it is not just and proper to grant any interim order regarding recovery, therefore sought for the dismissal of the OA.

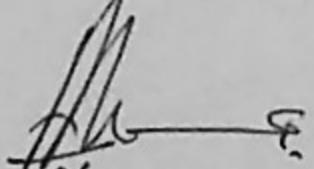
3. I have heard the learned counsel for the applicant and the respondents and perused the pleadings and the materials on record. Having regard to the fact that the impugned order is dated 21.09.2007 as contented by the applicant is without notice to the applicant and further in view of the fact that the appeal is pending before the respondents in view of these facts it is clear that the claim of the applicant has to be decided by the Appellate Authority with regard to the interim order, I do not find any ground to grant any interim order as prayed in this OA. In view of the facts and circumstances stated above it is just and proper to direct the Appellate Authority to decide the appeal filed by the applicant in accordance with law by a reasoned and speaking order. Having regard to the circumstances of



(4)

the case it is just and proper in the interest of justice that during the pendency of the appeal there shall be no recovery by the applicant as ordered on 21.09.2007 which is impugned in this OA.

4. This OA is disposed of accordingly with the above direction directing the respondents to dispose of the appeal of the applicant within a period of two months by a reasoned and speaking order from the date of receipt of a copy of this order, during the pendency of the appeal there shall be no recovery by the respondents in pursuance of the order dated 21.09.2007. No Costs.

  
Member-J

/ns/