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13

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION NO. 311/2006

DATE OF ORDER: 27.03.2009

HON'BLE DR. R.C. PANDA, ADMINISTRATIVE MEMBER

Mangi Lal Vyas son of Shri Nana Lal, aged 59 years, Postal Assistant Post Office, Kankroli, District Rajsamad, R/o 80 Shastri Nagar, Bhilwara Road, Kankroli, District Rajsamad.

...Applicant.

(Mr. Vijay Mehta, counsel for applicant).

VERSUS

1. Union of India through the Secretary, Ministry of Communication (Department of Post), Sanchar Bhawan, New Delhi.
2. Senior Superintendent of Post Offices, Udaipur.
3. Director, Postal Services, Southern Region, Rajasthan, Ajmer.

...Respondents.

(Mr. M. Godara, proxy counsel for
Mr. Vinit Mathur, counsel for respondents).

ORDER
(PER HON'BLE DR. R.C. PANDA, A.M.)

This is a case where the applicant working as Postal Assistant, Post Office, Kankroli, District Rajsamad, alleged to have been responsible for the payment of interest of HUF Monthly Income Scheme Account though such interest was not admissible to those accounts.

2. The applicant was issued a charge memo to which he submitted his reply. The Disciplinary Authority having considered his reply, passed an order vide letter dated 03.03.2006 and the

Disciplinary Authority found him guilty of the charges and imposed penalty of recovery of Rs. 10595/-, a copy of which was served on the applicant (Annexure A/1). It is submitted that an appeal against the said order filed by the applicant was disposed of by the Appellate Authority vide order dated 27.09.2006 (Annexure A/2).

3. I have heard the learned counsel for both the parties and perused the pleadings.

4. Shri Vijay Mehta, the learned counsel for the applicant raised an objection that the Appellate Authority has not given an opportunity to be heard against the recovery ordered by the Disciplinary Authority on which he had filed an appeal. He submitted that the applicant would submit a representation to the Appellate Authority for reconsideration.

5. On the other hand, Shri Godara, the learned counsel for the respondents feels that the applicant cannot be aggrieved of not being heard, since there is no provision for personal hearing to be provided to the applicant in case of minor penalty disciplinary proceedings. With regard to the point raised by Shri Mehta, he submitted that if the applicant desires to submit a representation to the Appellate Authority to examine the case and afford personal hearing to the applicant, he may do so. Shri Godara submits that he has no view in the matter.

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6. In view of the intention mentioned by the learned counsel for the applicant, the applicant is at liberty to submit a representation to the respondent No. 3 (the Appellate Authority) who within a period of six weeks may consider the same and pass appropriate order.

7. With the above observations and directions, the Original Application is disposed of with no order as to costs.

(DR. R.C. PANDA)
ADMINISTRATIVE MEMBER

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Part II and III destroyed
In my presence on 8/7/15
under the supervision of
section officer ( ) as per
order dated 07/07/2015

Section officer (Record)