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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

Original Applications No.349/2012 with
Misc. Application No. 180/2012
Jodhpur, this the 2nd February, 2013

[Reserved on 13.02.2013]

CORAM

**Hon'ble Mr. Justice Kailash Chandra Joshi, Member (J) and
Hon'ble Ms. Meenakshi Hooja, Member (A)**

Jasraj Meghwal S/o Shri Kika Ram, aged about 52 years, by caste Meghwal (SC), R/o Village & Post Sadari, District Pali (Office Address: working as Postal Assistant, Post Office, Falana).

.....Applicant.

(Through Adv. S.P.Singh)

Versus

1. Union of India, through the Secretary, Government of India, Ministry of Communication, Department of Post, Dak Tar Bhawan, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-302007.
3. The Director, Postal Services, Western Region, Jodhpur.
4. Superintendent of Post Offices, Pali Division, Pali.

.....Respondents

(Through Adv. Vinit Mathur)

ORDER

Per: Meenakshi Hooja, Member (A) :

In the present OA the applicant has challenged the impugned order Annex.A/1 dated 12.05.2011 which is the order of the appellate authority upholding the penalty order dated 15.07.2010 Annex.A/2 for recovery of Rs. 61,157/- in view of irregular issue of Kisan Vikas Patra (KVP) in the years 1990 and 1991 while working as Postal Assistant Fatehnagar.

2. In this context, it is pertinent to note that in OA No. 414/2012 filed by the same applicant, the issue regarding issuance of similar irregular KVPs was raised. After due consideration of all facts, circumstances and hearing the parties, this Tribunal vide its recent order dated 15.02.2013 set aside the orders of the appellate authority dated 30.3.2007 and the order of the disciplinary authority dated 31.10.2006 with the following directions :
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"13. Therefore, the impugned orders Annexure A/1 dated 30.03.2007, and Annexure A/2 dated 31.10.2006 are declared illegal and both the order are quashed and set aside."

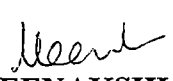
14. It is further directed that if any amount has already been recovered from the applicant, the same shall be returned to him alongwith interest @ 9% per annum within a period of three months from the date of receipt of a copy of this order. Accordingly, the OA is allowed with no order as to costs."

3. In the present OA 349/2012 the applicant on 17.07.1990 and on 07.08.1991 issued total 11 Joint 'A' type KVPs amounting to Rs. 33,000/- Joint 'A' type in the name of Shri Govind Singh Hada and Shri Sachiv Krishi Upaj Mandi, Fatehpur which were alleged to be in contravention of Rule 6 of the K.V.P. Rules, 1988 and for which he was chargesheeted and issued penalty order for recovery of Rs. 61,157/- (Annex.A/2) upheld in the appellate order (Annex.A/1). As we have already covered issue of similar types of KVPs in OA No. 414/2012 and given a detailed judgment based on facts, arguments and legal position, hence in the light of the judgment dated 15.02.2013 in OA No. 414/2012 the present case is decided as under :-

- (i) The impugned orders Annexure A/1 dated 12.05.2011 and Annexure A/2 dated 15.07.2010 are declared illegal and both the orders are hereby quashed and set aside.
- (ii) It is further directed that if any amount has already been recovered from the applicant, the same shall be returned to him alongwith interest @ 9% per annum within a period of three months from the date of receipt of a copy of this order.

4. In the above context, the M.A. No. 180/2012 regarding condonation for delay is also allowed for the reasons averred in the application.

5. A copy of the aforesaid decision be kept in the file of OA No. 414/2012 and a copy of this order of OA No. 349/2012 be kept in OA No. 414/2012 also. Accordingly, the OA is allowed with no order as to costs.


(MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER
Jrm


(JUSTICE K.C. JOSHI)
JUDICIAL MEMBER