

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00379/15

Jodhpur, this the 18th day of September, 2015

CORAM

Hon'ble Ms. Meenakshi Hooja, Administrative Member

Baldev Singh S/o Shri Kartar Singh, aged about 55 years, R/o Bakhtanwali, Tehsil & District Sri Ganganagar. (Office Address: Working as Postal Assistant at Hanumangarh Junction HO.

.....Applicant

By Advocate: Mr. 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-302 007.
3. The Director O/o Post Master General, Western Region, Jodhpur.
4. Superintendent of Post Offices, Sri Ganganagar Division, Sri Ganganagar.

.....Respondents

By Advocate : Shri K.S. Yadav.

ORDER (Oral)

This OA has been filed by the applicant on under Section 19 of Administrative Tribunals Act, 1985 seeking the following relief(s):-

- (i) *That the impugned order Memo No.F/Misc/Baldev Singh/15-16 dated 31.08.2015 whereby the minor punishment recovery of Rs.60,000/- is passed by respondent No.4 (Annexure-A/1) may kindly be declared illegal unjust and improper and deserves to be quashed and set aside and consequential benefits may kindly be granted.*

- (iii) *That any other direction or orders may be passed in favour of the applicant, which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.*
- (iv) *That the costs of this application may be awarded to the applicant."*

2. Heard. Counsel for the applicant submitted that vide Annexure-A/1 dated 31.08.2015, the Disciplinary Authority under Rule 16 of CCS (CCA) Rules, 1965 has imposed a penalty of Rs.60,000/- in six instalments of Rs.10,000/- each per month from his pay commencing from the month of September, 2015. In this connection, he submitted that earlier also a similar penalty was imposed, but the orders of the disciplinary authority and the order appellate authority were set aside by this Tribunal vide order dated 13th March, 2015 in OA No.486/2012 and now the disciplinary authority has imposed the same penalty on the basis of the same charges and therefore he prayed that the penalty order Annexure-A/1 be stayed. In this context, he also submitted that the applicant has recently filed an appeal a few days back in the month of September, 2015 only, against the penalty order of the disciplinary authority dated 31.08.2015 (Annexure-A/1) and also prayed for the staying of recovery till the decision of the appeal.

3. Mr. K.S. Yadav, Central Government Standing Counsel, present in Court, submitted that though this OA has come for admission today only and notices are yet to be issued, but he opposed the prayer for grant of any relief, as the applicant has filed an appeal in the month of September only and must await the decision of the appeal, which is a statutory remedy.

4. Considered the aforesaid contentions and perused the record. It is seen

"Accordingly, penalty order dated 15.01.2010 (Annexure-A/2) and appellate order dated 06.11.2012 (Annexure-A/1) are required to be quashed and the same are quashed. The respondent department may proceed against the applicant as per the provisions of law after determining the proportionate loss caused by the applicant."

The respondent department issued a fresh charge sheet dated 30.06.2015 (Annexure-A/2) and vide order dated 31.08.2015 (Annexure-A/1) of the disciplinary authority, penalty of recovery of Rs.60,000/- in monthly instalments of Rs.10,000/- each from the pay of the applicant from September, 2015 has been imposed. It is further noted that as stated by the counsel for the applicant, the applicant has filed an appeal against the aforesaid order in September 2015 only i.e. just a few day back and not waited for a decision on the same. Therefore, it appears that the applicant has come before this Tribunal without exhausting all the statutory remedies available as required under Section 20 of Administrative Tribunals Act, 1985. Therefore, the OA is premature. However to maintain the balance of convenience, the respondents are directed not to recover the instalment of Rs.10,000/- for the month of September, 2015 only, from the salary of the applicant in pursuance of Annexure-A/1 and the respondents are further directed to decide the appeal early and preferably within two months from the date of receipt of a copy of this order.

Accordingly, the OA is disposed of as stated above with no order as to costs. A copy of this order be made available to counsel for the respondents.



(MEENAKSHI HOOJA)
Administrative Member

R/C
S
24/9/15

R/C
S
24/9/15