

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

...

O.A. 456/93

THURSDAY, THE 2nd DAY OF MARCH, 1995

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. S. P. BISWAS, ADMINISTRATIVE MEMBER

A. S. Venkitaraman
(Retd. Superintendent of P.Os)
Kavu Street, Sekharipuram P.O.
Palakkad

Applicant

By Legal Heirs

1. N. R. Rugmini
wife of late A. S. Venkitaraman
Kavu Street, Sekharipuram P.O.
Palakkad District.
2. A. V. Haridas
Son of late A. S. Venkitaraman
-do-
3. Prema Ravi
daughter of late A.S. Venkitaraman
-do-

(Impleaded vide
Miscellaneous
Application No.
1593/94)

By Advocate Mr. P. Santhalingam

vs.

1. Union of India represented by
the Secretary to Government,
Ministry of Communications,
New Delhi
2. The Director General (Posts)
Dak Bhavan, Sansad Marg,
New Delhi
3. The Deputy Director (Vig.)
Dak Bhavan, Sansad Marg,
New Delhi
4. The Director of Postal Services,
HQ and Vigilance, Office of the
Chief Postmaster General,
Kerala Circle, Trivandrum
5. The Assistant Superintendent of
Postal Services (Vigilance)
Trivandrum
6. The Director of Postal Services
Calicut Region, Calicut

Respondents

By Advocate Mr. T.F.M. Ibrahim Khan, SCGSC

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O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicants, legal heirs of deceased A. S. Venkitaraman (original applicant) seek inter alia, to quash A-V by which it was ordered:

" that a loss of Rs. 19,829.93 caused to the department may be recovered from the officer. The undersigned accordingly hereby imposes upon Shri A.S. Venkitaraman the minor penalty of recovery from his pay ..."

2. Since the filing of the original application, A-V has been cancelled, as seen from the reply statement. Paragraph 8 of the reply statement reads:

"...Rs. 917/- was recovered from the pay of the applicant. The balance of Rs. 18912.93 was wrongly recovered from the gratuity of the applicant when he retired on 28.2.91. Therefore it was decided to cancel the punishment order dated 31.1.91." (A-V)

3. It follows that all action pursuant to A-V ceased to be in force. Whatever has been recovered, less what has been repaid, will be repaid to applicants within six weeks from today.

4. There is another contention raised by applicants to the effect that alternate proceedings in place of proceedings culminating in A-V cannot be instituted in the light of Paragraph 79 of the P & T Manual Vol. III. That reads:

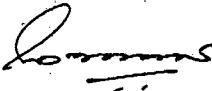
"Disciplinary proceedings come to an end immediately on the death of the alleged offender. No disciplinary proceedings either under the CCS(CCA) Rules, or under the CCS(Pension) Rules can, therefore, be continued after the death of the concerned officer."

5. We do not propose to pronounce on this. If proceedings are being initiated, it will be for the

applicants to raise their objections thereto, before the competent authority. We dispose of the original application as indicated hereinbefore.

6. Parties will suffer their costs.

Dated the 2nd March, 1995.


S. P. BISWAS
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

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