

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A. NO.377/2006**

**Tuesday this the 30<sup>th</sup> day of May, 2006.**

**CORAM:**

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN  
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER**

1. C.P.Santhamma  
Sub Postmaster, Eraviperoor P.O.,  
Residing at SPM's Quarters,  
Eraviperoor P.O., Tiruvalla.
  2. N.T.Jacob,  
Postal Assistant, Eraviperoor P.O.,  
Residing at Neeramplakal House,  
Nellimala, Eraviperoor.
- ... Applicants

By Advocate Mr.P.C.Sebatian

V/s.

1. The Superintendent of Post Offices,  
Thiruvalla Division, Tiruvalla-689 101.
  2. The Chief Postmaster General,  
Kerala Circle, Thiruvananthapuram – 693 033.
  3. The Union of India,  
Represented by Secretary to Government of India,  
Ministry of Communications,  
Department of Posts, New Delhi.
- ... Respondents

By Advocate Mr.TPM I Khan SCGSC (rep)

This OA having been heard on 30<sup>th</sup> May, 2006, the Tribunal on the same day delivered the following:-

## **ORDER**

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN**

The applicants are working as Sub Postmaster and Postal Assistant at Eraviperoor Sub Post Office. They are aggrieved by the orders at Annexure A-1 dated 16/5/2006 Annexure A 1(a) dated 16/5/2006 holding them jointly responsible for the loss occurred due to the burglary in the said Post Office on 10/12/2005 and directing for recovery of a sum of Rs.14064/- and Rs.9376/- from the salary of the applicants respectively. It is seen that the applicants have approached the Tribunal without preferring any appeal against the said order on the ground that there is no provision under the rules for stay of the recovery ordered and no time limit for disposal of the appeals. They submit that the impugned recovery pursuant to Annexure A-1 and A 1(a) will cause severe hardship to them if continued indefinitely. Rule 106 of P&T Manual Vol. III stipulates that the punishment of recovery can be imposed only when it is established that the Government servant is responsible for a particular act or acts of negligence or breach of orders or rules and that such negligence or breach of orders caused the loss and respondents have not considered these aspects before issue of order which is alleged.

We are of the view that these matters are to be gone into by the Appellate Authority and when there is a statutory provision of appeal

giving opportunity to the applicants for redressal of their grievance, they should have exhausted the remedy available before approaching the Tribunal.

We therefore direct the applicants to submit an appeal to the respondents within a period of one week from today and the Appellate Authority shall consider the same in accordance with the rules taking all the all the above points into consideration and dispose of the same within a period of three months.

Since the applicants have approached the Tribunal without exhausting the remedy available to them mainly for stay of the recovery ordered vide order dated 16/5/2006, we are of the view in the interest of natural justice that both the orders at Annexures A-1 and Annexure A-1(a) dated 16/5/2006 shall be stayed till the disposal of the appeal.

OA is disposed of at admission stage. No costs.

Copy of the order be given to parties counsel today.

  
**GEORGE PARACKEN**  
**JUDICIAL MEMBER**

  
**SATHI NAIR**  
**VICE CHAIRMAN**

abp