

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No27/2006

This the ^{12th} day of January , 2009

Hon'ble Mr. M. Kanthaiyah, Member (J)
Hon'ble Dr. A. K. Mishra, Member (A)

O.A. 27/2006

Ram Pal Singh aged about 61 years S/o Sri Kalika Singh R/o 266/610 Behind Telephone Exchange Kalikar Singh Ka Hata Bhadewan, Lucknow.

Applicant.

By Advocate Sri R.S.Gupta

Versus

1. Union of India through the Secretary, Department of Post Dak Bhawan, New Delhi.
2. Director of Postal Services Lucknow o/o Chief Postmaster Gnearal U.P. Lucknow.
3. Senior Superintendent of Post Officers Lucknow/Faizabad.
4. Assistant C.A.O. o/o D.A. (P) Sector D Aliganj, Lucknow.

Respondents.

By Advocate : None

ORDER

HON'BLE DR. A.K. MISHRA, MEMBER (A)

This application has been made with a prayer to quash the disciplinary proceedings initiated in the order dated 24.6.2004 of respondent No. 4 and also against recovery of excess GPF amount allegedly withdrawn by the applicant from his DCRG.

2. The respondents took a preliminary objection on the ground that the application suffers from the infirmity of seeking plural reliefs, which is not permissible under Rule 10 of the CAT (Procedure) Rules 1987. In response, the counsel for the applicant filed an application on 1.2.2006 withdrawing the prayer relating to the recovery orders dated 14.11.2005 and 26.12.2005 in respect of excess GPF amount withdrawn by the applicant. As a consequence, the only relief sought by him was about the disciplinary proceedings initiated against him in the aforesaid order dated 24.6.2004. The applicant filed supplementary rejoinder on 6.1.2008 submitting that the disciplinary proceedings related to alleged misappropriation of 4,23,185.80/- by another employee Sri S. Singh (SPM) Sundarbag Post Office, Lucknow. This amount was subsequently refunded by Sri Singh and on that basis he has since been reinstated in service. It was urged that




since the loss sustained by the department had been made good by Sri Singh and the applicant had nothing to do with the whole episode, the proceeding against him should be dropped.

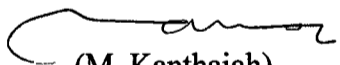
3. In the counter affidavit, it has been mentioned that the applicant had earlier filed O.A. 458/2004 for the same relief of quashing the charge sheet and as such, the present application for the same relief was not maintainable on the ground of resjudicata.

4. While going through the case record, we find that this Tribunal disposed of O.A. 458/2004 on 21.12.2004 with a direction to expedite the hearing of the charge sheet and finalize the matter within a period of 6 months from the date of order. On a petition from the respondents, the time limit was extended by another three months on 11.7.2005. Thereafter, time was further extended up to 5.1.2006.

5. Since, a regular O.A. had earlier been filed for the same relief, the present application clearly is not maintainable on the ground of resjudicata. The applicant has the liberty to follow up the matter in O.A. 458/2004 as per law.

6. In the result, O.A. is dismissed. No costs.


(Dr. A. K. Mishra)
Member (A)


(M. Kanthaiah)
Member (J)
12.01.2009

v.