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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH, LUCKNOW.

Registration O.A.No.39 of 1989 (L)

Intizar Husain

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Applicant

Vs.

Superintendent of Post  
Offices, Sitapur and  
others

....

Respondents.

Hon.D.S.Misra, AM  
Hon. D.K.Agarwal, JM

(By Hon. D.K.Agarwal, JM)

This is an application u/s.19 of the Administrative Tribunals Act XIII of 1985 for issue of a writ, order or direction in the nature of certiorari and quashing the order dated 20.12.1988 purported to have been passed by the Superintendent of Post Offices, Sitapur Division, Sitapur directing the recovery of Rs.46,899.42P from the applicant, i.e., Intizar Husain posted as Sub Post Master, Sub Post Office Rampur Mathura, District Sitapur, on the allegation that the said amount was embezzelled for which separate prosecution is also pending against the applicant. The facts are that the applicant filed Writ Petition No.3772 of 1988 in the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow and secured an order for stay of recovery proceedings in respect of the aforesaid amount. The stay order was not absolute. It <sup>is</sup> stated that it will be open to the opposite party, i.e., (respondents before us) to hold an inquiry against the applicant and after completion of the inquiry, it was left open to opposite party no.3 in the said writ petition, i.e., Superintendent Post Offices, Sitapur to apply for vacation of the interim

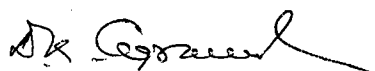
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order. The above named authority, in compliance of the order of the High Court, held an inquiry and passed the impugned order. It may be mentioned here that before the impugned order was passed, opportunity was given to the applicant as already mentioned in the impugned order itself as well as in the counter affidavit filed by the respondents. The applicant now apprehends that recovery would be made from him on the basis of the impugned order. Therefore, he has moved this Tribunal to quash the impugned order.

2. In our opinion, since the High Court is already seized of the matter, the proper forum for the applicant would be to seek relief from the High Court to avoid multiplicity of the proceedings. In this view of the matter, the present claim petition is dismissed. There will be no order as to costs.



MEMBER (J)



MEMBER (A)

Dated: 14.3.1989  
kkb.