

Central Administrative Tribunal
Lucknow Bench, Lucknow.

O.A. No. 3/2007

This, the 17 th day of January 2007

Hon'ble Mr. A. K. Singh, Member (A)

Anoop Singh aged about 43 years, son of Sri Girja Dayal,
Resident of Village and post Parewa Jaal, District Sitapur.

Applicant.

By Advocate Shri S.K. Verma.

Versus

1. Union of India, through Principal Secretary, Government of India, Ministry of Postal Department, New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Dak Adhikshak, Head Post Office, Sitapur.
4. The Collector, Sitapur.
5. Assistant Collector/Tehsildar, Tehsil Sidhauri, District Sitapur.

Respondents.

By Advocate Shri G.K. Singh.

Order (Oral)

By Hon'ble Mr. A. K. Singh, Member (A)

1. Heard Shri S. K. Verma counsel for applicant and Shri G.K. Singh counsel for respondents. Shri S. K. Verma submits that action has been initiated by the District Magistrate to recover the amount of revenue loss on the

part of the applicant under Revenue Recovery Act, on the advice of the respondents. He submits that before so doing, the respondents have not complied with the principle of natural justice as no notice was given to him in respect of the amount lost by the department. No enquires as per CCA (CC&S) Rules 1965 were also held against the applicant before arriving at the conclusion the government suffered a huge loss of Revenue to the extent specified in recovery proceedings. The authorities are also moving ahead to auction his property etc. for recovery of the aforesaid dues under Revenue Recovery Act. He therefore, prays for an interim stay against the aforesaid decision of the respondents, which is violative of the principles of natural justice. .

2. Shri G.K. Singh, counsel for respondents submits that proceedings under Revenue Recovery Act is not a service matter, cognizable by this Tribunal. The applicant should seek redress in an appropriate forum. He also cited the decision of this Tribunal in O.A.471/96 dated 24.9.96 as well as decision of Hon'ble Supreme Court in SLP 1505/97 in the case of Raja Ram Saroj Vs. The Collector, District Sultanpur & Ors. in support of his say. In these decisions law has been well settled by the concerned courts. Since the recovery proceedings are being conducted under the provisions of Public Accountant and Default Act and the Revenue Recovery



Act and as the same does not constitute a service matter, this Tribunal has no jurisdiction to hear and decide this case.

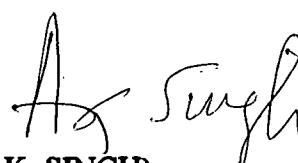
3. On the basis of the above, the learned counsel for the respondents, Shri G.K. Singh prays for rejection as well as dismissal of the O.A. in question as without jurisdiction.
4. I have considered the submissions made by the learned counsels on both sides. I find that the Hon'ble Apex Court has enunciated the following principles in Special Leave Petition No. 1505/97. The relevant extract is reproduced below:

"In the impugned judgment, the Central Administrative Tribunal has observed that the matter of recovery that is being effected against the petitioner under the provisions of the Public Accountant and Default Act and the Revenue Recovery Act and it cannot be said to be a service matter cognizable before the Tribunal. We do not find any infirmity in the said view of the Tribunal. I would be open to the petitioner to seek redress in an appropriate forum. The special leave petition is, therefore, dismissed."

5. The principles of law enunciated by the Apex Court is binding on a subordinate court under Article 141 of the Constitution of India. My learned brothers of this Tribunal have also held the same view in the case of Raja Ram Saroj Vs. Union of India and Others as per their order-dated 24.9.96 in O.A. 471/96. In view of the fact that law is well settled on this point, the applicant's

have no case for seeking interim stay in this regard. Accordingly, the prayer of the applicant being in admissible is rejected. Both the counsels, at this point of time prayed for a decision on merit. They waived their right to file counter reply as well as rejoinder to the same.

6. Hence in the light of the settled points of law, which I do not propose to reiterate again, the O.A. 3 of 2007 filed before us is without jurisdiction and is accordingly dismissed. Liberty is however, given to the applicant to approach the appropriate forum for redressal of his grievances. No costs.


(A.K. SINGH)
MEMBER (A)