

**CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH**

Original Application No.408/2007  
This the 30<sup>th</sup> day of January 2008

**HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.**

Zileadar Khan aged about 51 years son of late Namdar Khan R/o  
Village & P.O. Shankarpura, Rishiya, District-Bahraich.

...Applicant.

By Advocate: Shri\_R.K. Singh.

Versus.

1. Union of India through Secretary, Department of Posts, Govt.  
of India, New Delhi.
2. Superintendent of Post Offices, Baharich Mandal, Bahraich.
3. District Magistrate, Bahraich.
4. Tehsildar, Nanpar, District Bahraich.

... Respondents.

By Advocate: Shri Q.H. Rizvi.

**ORDER (Oral)**

**BY HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.**

Heard Shri R.K. Singh, the learned counsel for applicant and  
Shri Q.H. Rizvi, the learned counsel for the respondents.

2. It is the case of the applicant that on 18.04.1996, he was  
dismissed from service on the allegation of misappropriation of  
department amounts. Though, the Police also filed a FIR against the  
applicant, which was closed in the year 1995 itself. Subsequently, the  
respondent have started recovery of alleged amount of  
Rs.41,501.10/- by issuing recovery order (Annexure-1) dated  
15.06.2007 issued by Respondent No.2 and on the basis of such

order, the Respondent No.4 has issued recovery proceedings against the applicant, covered under Annexure-2 dated 05.07.2007. Now, he has filed the present OA, to quash the recovery order issued by Respondent No.2 and 4 covered under Annexure-1 and Annexure-2 respectively.

3. Heard both sides.

4. Admittedly, the applicant was dismissed from service on the allegation of misappropriation of certain amounts. Thereafter, he was not reinstated, though the Criminal case was closed by filing final report. When the Respondent No.2 and 4 have started recovery of alleged misappropriated amount by way of demand notice Annexure-1 and Annexure-4, he filed this OA, questioning the same on the ground that he is not liable to pay such amounts and also on the ground that the Criminal case filed against him was closed by filing final report by the Police. The applicant also made representation against such recovery order and the same is pending for disposal.

5. In view of the above circumstances and for a fair and just disposal of the matter, OA is disposed of with a direction to the Respondent No.2 to disposed of pending representation (Annexure-7) dated 10.08.2007 within 45 days from the date of the receipt of the certified copy of this order. The applicant is also directed to supply copy of Annexure-7 alongwith the copy of judgment. No order as to costs.

  
**(M. KANTHAIYAH)**  
**MEMBER (J)**

30-01-2008

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