

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

17

Original Application No: 442 of 1991

Prem Shanker Applicants.

Versus

Union of India & ors. Respondents.

Hon'ble Mr. Justice R.K.Varma, V.C.

Hon'ble Mr. K.Obayya, Member-A

(By Hon'ble Mr. Justice R.K.Varma, V.C.)

The petitioner S.P.M. Daliganj was charge-sheeted under Rule 16 of C.C.S. (C.C.A.) Rules 1965. It was alleged that the petitioner while working as S.P.M. Daliganj post office on 5.10.1987 allowed withdrawal in 5 yrs T.D. Account and failed to follow the procedure of S.B.T/D before accepting the identification as required of him under Rule 425 (2) of P&T Manual Volu. VI part II and that had the petitioner followed the departmental procedure prescribed on S.B.working and proper supervision made, the fraud of Rs. 31226/- would have not been committed by Shri O.P.Bhatiya, N.S. agent. Thus the petitioner was charged of grave misconduct and lack of devotion to duty thereby contravening the provisions of Rule 3(1) (i) & (ii) of C.C.S. (Conduct) Rules 1964. It is the allegation of the petitioner that the respondent No. 3 without making any enquiry after submission of the reply by the petitioner passed the impugned order dated 31.7.1991, copy whereof is annexed as Annexure-1 to the petition, whereby recovery of Rs. 19800/- @ Rs.600/- per month in 33 instalments from the pay of the petitioner as well as withholding of next increment for a period of 2 years without cumulative effect from the pay of the petitioner has been ordered against the petitioner.

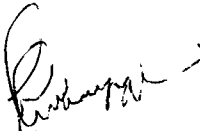
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2. An appeal against the order dated 31.7.1991 passed by the respondent No. 3 was filed by the petitioner which is still pending for decision by the appellate authority.

3. Having heard the learned counsel for the parties, we deem it fit to order and we do hereby order that the appellate authority shall decide the appeal of the petitioner within a period of 3 months from the date of this order. The interim order passed on 8.11.1991 directing release of salary of the applicant for which he is entitled, shall continue to operate till the decision of petitioner's appeal by the appellate authority.

4. With the direction as aforesaid, the petition is disposed of accordingly. There shall be no order as to cost.


Member-A


Vice-Chairman

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Lucknow Dated: 28.5.1993

/jw/