

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 780 of 1989

Samay Prasad Gupta Applicant

Versus

Union of India & Others Respondents

Hon'ble Mr. Justice U.C.Srivastava,V.C.

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

(By Hon'ble Mr. Justice U.C.Srivastava,VC)

The applicant who was serving as Postal Assistant was involved in a criminal case for misappropriation of tune of on, to the Rs. 2000/-. The departmental proceedings against the applicant under rule 16 of C.C.S.(C.C.A.) Rules, 1965, for non-observing the departmental rules and procedures which caused government loss were also started against him. In the said proceedings, the applicant was found guilty and he was punished by imposing a penalty for the recovery from the applicant's pay, in 36 equal instalments vide order dated 24.8.1978 and thereafter the recoveries were made from the applicant's pay w.e.f. August 1971 to December 1971 at the ^{rate of} Rs. 56/- per month. The matter was reported to the police and the applicant was held responsible for the said misappropriated amount. In the criminal case, the applicant ultimately was acquitted by the Additional Session Judge vide order dated 9.2.84 and the appeal against the same was also dismissed by the High Court on 2.2.1987. The applicant was reinstated in service and he submitted his application claiming for the refund of the said amount and he pursued the said matter. The applicant submitted his

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:: 2 ::

appeal before the Director Postal Services praying that the recoveries as ordered by the Supdt. of Post Offices, Gonda be stopped but his appeal also failed and he ~~was~~ considered for promotion in the recent past vide Superintendent of Post Offices's letter dated 17.7.1989, ~~rejecting the~~ applicant's claim for promotion since 1984, thereafter, the applicant has approached this tribunal and has prayed that the amount deducted in 36 equal instalments be refunded to him and the salary for the intervening period from the date of suspension, dismissal and re-instatement be paid to him ~~and the period~~ and the period be treated as period spent on duty for all purposes and the orders of promotion passed by the Supdt. of Post Offices be modified so as to cover the timely benefits retrospectively since 1984.

2. As the applicant was acquitted in the criminal proceedings, that could not be taken to mean that the departmental proceedings have ~~become~~^{an} to end or the punishment order passed in departmental proceedings was ~~to~~^{be} wiped out. The departmental proceeding was ~~not~~ started against him for violating the rules and procedures causing government ~~to~~^{to look}. These were separate proceedings and the respondents were within their rights to take departmental proceedings against him and in the departmental proceedings, he was punished and we do not find any ground to interfere with the punishment order, accordingly, regarding the punishment order, the application is dismissed. As for as the suspension period is concerned; as the applicant was acquitted from the criminal court and the period of suspension shall be treated to be duty, with the result, the applicant will be entitled to the benefits of the same. Regarding promotion, it is a matter ~~for~~ to the applicant to approach the department for the same and in case, he would not have been hauled up and let despite a minor penalty orders standing against him, which has

:: 3 ::

have been
been fully carried out, he ~~may~~ entitled to promotion and
this matter will be decided by the departmental
authorities. Accordingly, we dismissing the application
in respect of penalty of Rs. 2000/- and allow~~ing~~ the
application in respect of suspension period and duty, with
a direction that the applicant's ^{case} so for promotion is
concerned; the applicant may approach the departmental
authorities for the same. This application is disposed of
finally. No order as to costs.


Member (A)


Vice-Chairman

Lucknow Dated: 15.3.1993

(RKA)