

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

..  
O.A.No.1458/94.  
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Date of decision: 14--8--1994.  
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Between:

D. Anki Reddy. .. .. Applicant.

And

1. Senior Superintendent of Post Offices,  
Secunderabad Division, Secunderabad.
2. Director of Postal Services, Hyderabad  
City Region, Hyderabad. .. Respondents.

Counsel for the applicant: Sri Rama Krishna Rao.

Counsel for the Respondents: Sri K. Bhaskara Rao.

CORAM:

Hon'ble Sri R.Rangarajan, Member (A)

Hon'ble Sri B.S. JAI PARAMESHWAR, Member (J).

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Date: 14-8-1997.JUDGMENT.

(per Hon'ble Sbri B.S. Jai Parameshwar, Member (J).

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Heard Sri Ramakrishna Rao, learned counsel for the applicant.

During the year 1991-92 the applicant was working as Sub Post Master, Co-op. Industrial Estate Post Office, Balanagar, Hyderabad. On 31-8-1992 there was a theft in the said Sub Post Office in which a sum of Rs.4,269.35 was lost. In connection with the said incident, a charge Memo No. F7/1/91-92 dated 4-4-1994 was served on the applicant under Rule 16 of the CCS(CCA) Rules, 1965. The applicant submitted his explanation. The Disciplinary Authority by Pros. No F7/1/91-92 dated 15-6-1994 imposed the penalty of recovery of Rs.2,261.30 being the unadjusted amount of loss from the applicant in 9 instalments at Rs. 226/- <sup>p.m.</sup> and the 10th instalment at Rs.227.30 from his salary. Against the said order of punishment the applicant submitted a Memorandum of Appeal on 28-6-1994 addressed to the 2nd respondent. The Appellate Authority by its Pros., No.23-9-1994 rejected the appeal and confirmed the punishment.

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orders dated 15-6-1994 and 23-9-1994 passed by the Disciplinary Authority and the Appellate Authority, respectively.

The respondents have filed their counter stating

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the circumstances under which the responsibility was fixed on the applicant to the tune of Rs.2,261.30 and further explaining that the Authority has taken into consideration the facts and the circumstances under which the applicant had held the cash in violation of Rule 102-B of Postal Manual Volume VI.

During the course of arguments the learned counsel for the applicant submitted that the applicant had explained the circumstances under which he had possessed the cash for the next day's transaction and had also explained the various reasons for the theft. He had also enumerated in his appeal the several contentions for setting aside the impugned orders. The contentions raised by the applicant in his appeal have been noted in para 2 of the facts of this case by the 2nd Respondent. The learned counsel for the applicant has also taken note of the contention that the excess money was kept in the custody of the applicant which should not have been done by the applicant as per the Rules.

The reasons given by the applicant to keep excess amount to meet the pension payment liability on the next day

But the 2nd Respondent has not considered the various other/ contentions

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raised by the applicant which have been indicated in the order of the appeal itself. Hence when the applicant submits that his appeal was not considered fully and a speaking order was not given cannot be said to be incorrect. Thus we feel that the appellate order is not a speaking order. When number of contentions are raised in the appeal, the Appellate Authority should have dealt with those contentions at least of contentions raised by the applicant in his appeal have not been fully looked into by the Appellate Authority. In view of that, we are of the opinion ~~that~~ that the Appellate Order is not ~~correct~~ and has to be reconsidered.

In that view, the Appellate Order dated 23-9-1994 is liable to be set aside.


Hence, we pass the following Order:

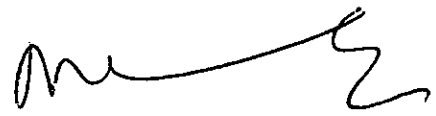
- i) The order dated 23--9--1994 passed by the 2nd respondent is hereby set aside and the the appeal of the applicant on merits taking into consideration the various grounds raised by him;
- ii) The Appellate Authority may permit the applicant, if he so desire<sup>a</sup> to have personal

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hearing.

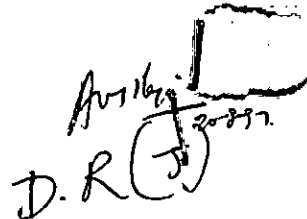
With the above directions, the O.A., is  
disposed of. No order as to costs.

  
B.S. JAI PARAMESHWAR  
MEMBER (J)  
14/8/97

  
R. RANGARAJAN,  
MEMBER (A)

Date: 14--8--1997.

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Dictated in open Court.

  
D. R. (J)  
14/8/97

SSS.

19/97 (7)

TYPED BY  
COMPILED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M (A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:  
(M) (3)

Dated: 14-8-97

~~ORDER/ADJUDICATION~~

~~M.A./R.A/C.A.NO.~~

in

G.A.NO. 1458/94.

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

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II Court

