

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 780/95

Date of Order: 25-8-95.

Between:

S.Padma Rao

.. Applicant

and

1. Senior Superintendent of Post Offices,
Secunderabad-16.
2. The Director of Postal Services,
O/o The Chief Postmaster General,
A.P.Hyderabad-1.

Respondents.

For the Applicant :- Mr. S.Padma Rao, Party-in-person.

For the Respondents: Mr. N.V.Ramana,
~~Mr.~~/Add.CGSC

CORAM:

THE HON'BLE MR.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE MR.RARANGARAJAN : MEMBER(ADMN)

OA 780/95.

Dt. of Order: 25-8-95.

(Order passed by Hon'ble Justice Shri V. Neeladri Rao,
Vice-Chairman).

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The applicant retired as Head Post Master on 31-8-94.

An amount of Rs.447/- was recovered from the salary of the applicant in August, 1994, as an amount of Rs.447/- was ordered to be recovered by Lr.No.E2/NPC/B/Dlgs/93-94 dt.23-11-93 (Annexure A-1).

The same is assailed in this O.A. A direction is sought to the Respondents to refund the said amount to the applicant.

2. While it is stated for the applicant that no notice was issued to him calling for his explanation, as to why the said amount of Rs.447/-, which was dis-allowed in regard to contingent amount incurred by him while he was working as Head Post Master in the Kachiguda Post Office, shall not be recovered from him, it was submitted by the learned counsel for respondent, that without perusal of the record it cannot be stated as to whether any notice was issued to the applicant calling for explanation as to why the said amount should not be recovered. Be that as it may, there is force in the contention of the applicant that if it is a case of mis-conduct of exceeding the financial limits in incurring the contingent expenditure or if there is any irregularity in regard to the same, action can be initiated under CCS (CCA) Rules and the delinquent employee if found guilty for the same, can be punished but the same cannot be recovered on the basis of above allegations (It is evident from the proceedings dt.23-11-95 herein above referred to that the amount

To

1. The Senior Superintendent of Post Offices,
Secunderabad-16.
2. The Director of Postal Services,
O/o The Chief Postmaster General,
A.P.Hyderabad-1.
3. One copy to Mr.S.Padma Rao, Party-in-person, -4/127/7,
Old Alwal, Loyola College Road, Secunderabad-10.
4. One copy to Mr. N.V.Ramana, Addl.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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of Rs.447/- was disallowed with reference to the contingent expenditure by observing that the applicant has not exercised financial propriety while incurring the expenditure from public funds as envisaged in Rule 60 of Financial Hand Book, Vol. I and that the applicant had no independent financial powers to incur expenditure on his own).


3. The learned standing counsel for the Respondents is right in his submission that the attitude of the aggrieved employees especially the retired one, in making derogatory remarks against the superior, who pass the impugned order should be deprecated. It was not proper on the part of applicant in making uncalled derogatory remarks against Senior Superintendent of Post Offices, S.E. Division, Hyderabad, who passed order dt.23-11-93 and we strongly denounce the same.

4. Hence the respondents have to refund the amount of Rs.447/- to the applicant. But this order does not debar the respondents, if so advised, to initiate appropriate disciplinary proceedings against the applicant for the same. The amount of Rs.447/- has to be refunded by 31-10-95.

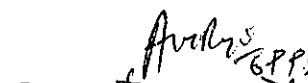
5. O.A. is ordered accordingly. No order as to costs. //



(R. RANGARAJAN)
Member (A)


(V. NEELADRI RAO)
Vice-Chairman

Dated: 25th August, 1995.
Dictated in Open Court.


Deputy Registrar (S) (

THPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

A N D

THE HON'BLE MR. R. RANGARAJAN: (M(ADMN))

DATED 25/8 1995.

ORDER/JUDGMENT:

M.A./R.A./C.A.No.

in

OA.No.

780/95

TA.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No. order as to costs.

No Spare Copy

