

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A.113/95.

Dt. of Decision : 26-11-97.

D.Subba Rao

.. Applicant.

Vs

1. The Union of India, rep. by
the Director of Postal Services,
A.P. Southern Region, Ashoknagar,
Kurnool-518 005.

2. The Supdt. of Post Offices,
Kurnool Division, Kurnool-1.

.. Respondents.

Counsel for the applicant : Mr. D.Subramanyam

Counsel for the respondents : Mr. N.R.Devaraj, Sr.CGSC.

CORAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

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ORDER

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JDDL.)

Heard Mr.D.Subramanyam, learned counsel for the applicant and Mr.N.R.Devaraj, learned counsel for the respondents.

2. The applicant was initially appointed as Postal Assistant in 1968. The Superintendent of Post Offices, Kurnool vide memo No.Inv/F7-1/93-6 dt. 12-3-93 issued a memo of charges under Rule 16 of the CCS (CCA) Rules, 1965 (Annexure-2) alleging that the applicant while working as Sub-Accounts Postal Assistant at Head ^{Post} Office, Kurnool on 23-12-1991 did not bring to the notice of the Postmaster, Kurnool regarding the retention of excess cash balance by the Sub-Postmaster, Dhone, LSG S.C. Daily Account dated 23-12-1991. It is further alleged that the applicant could have avoided the possibility of temporary misappropriation ^{by} the Sub-Post Master, Dhone, ^{he} had taken the prompt action to bring it to the notice of the Postmaster, Kurnool.

3. The applicant submitted his representation dated 26-09-94 (Annexure-6) He also invited a reference to the decision of the Bangalore Bench of this Tribunal in the case of Srinivasarao Vs. Director of Postal Services, Bangalore reported in 1988 (2) ATLT (CAT) 495).

4. The Superintendent of Post Offices, Kurnool vide his proceedings No.INV/F7-1/93/6 dt. 7-12-1994 (Annexure-1) ordered recovery of Rs.8,000/- from the salary of the applicant in 25 monthly instalments @ Rs.320/-.

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5. The applicant submitted his appeal against the order of recovery of Rs.8000/- vide memorandum of appeal dt. 17-01-95 (Annexure-8), to the respondent No.1. The appeal is yet to be disposed off.

6. It is submitted that there is no provision in the CCS(CCA) Rules for seeking stay of the recovery of the amount during the pendency of the appeal.

7. Hence he has filed this OA praying for stay of the recovery of Rs.8000/- as per memorandum No.Inv/F7-1/93/6 dated 7-12-94 (Annexure-1) till the disposal of the appeal by the R-1.

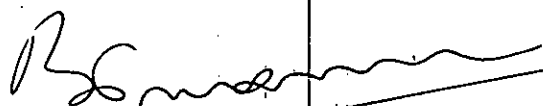
8. A reply has been filed by the respondents. It is not necessary for us to go into the reply at this juncture since the appeal is pending before R-1 for adjudication.

9. Hence, the following directions are given:-

(a) The representation of the applicant dated 17-1-95 (Annexure-8) should be disposed of within 2 months from the date of receipt of a copy of this order.

(b) Till such time, the appeal is disposed of recovery if any to be made from the salary for the month of December, 1997 and onwards should be suspended till the disposal of the appeal.

10. With the above directions the OA is disposed of. No order as to costs.



(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

26.11.97

Dated : The 26th Nov. 1997
(Dictated in the Open Court)



(R. RANGARAJAN)
MEMBER (ADMN.)

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Copy to:

1. The Director of Postal Services,
A.P.Southern Region, Ashoknagar,
Kurnool.
2. The Superintendent of Post Offices,
Kurnool Division, Kurnool.
3. One copy to Mr.D.Subrahmanyam, Advocate,CAT,Hyderabad.
4. One copy to Mr.N.R.Devraj,Sr.CSGS,CAT,Hyderabad.
5. One copy to HBSJP,M(J),CAT,Hyderabad.
6. One copy to D.R(A),CAT,Hyderabad.
7. One duplicate copy.

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16/12/97
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COMPARED 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 (J)

Dated: 26/11/97

ORDER/JUDGMENT

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

in
O.A.NO. 113/95

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

