

(21)

THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1023/95

Date of Order: 4-9-95

Between:

Smt. K. Lalitha.

.. Applicant

and

1. Union of India, rep. by its Secretary to the Ministry of Communications, Dept. of Posts, Dak Bhavan, Parliament Street, New Delhi-1.
2. The Circle, Abids, Hyderabad.
3. The Director of Accounts (Postal) Andhra Circle, Dak Sadan, Abids, Hyderabad-1.
4. The Accounts Officer, Cash Certificates Section, O/o Director of Accounts (Postal) Abids, Hyderabad.

Respondents.

For the Applicant :- Mr. B.S.A. Satyanarayana, Advocate

For the Respondents: Mr. N.R. Devraj,
Sr./Add. CGSC

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

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

OA.1023/95

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, V C)

Heard Sri B.S.A. Satyanarayana, learned counsel for the applicant and Sri N.R. Devaraj, learned counsel for the respondents.

2. This OA is filed praying for declaration that the recovery of Rs.2257.25 ps. as per Memo No:225/CC.II/Gen/F-cases/Sn. Kacheguda dated 14-8-1995 is illegal and to restrain the respondents from recovering the same. It is stated for the respondents that on 2-11-1978 certificates of the value of Rs.35,000/- in regard to 5th issue of 7 years National Savings Certificates (NSC) were purchased by some one from Kacheguda Post Office and they were encashed in the GPO, Hyderabad, on 2-11-1981. When the discharge certificate was sent from GPO, Hyderabad, to the Director of Accounts Postal, the necessary entry of discharge was made in the stock and issue register maintained in the latter office.

3. But when the discharge was made by office other than the office of issue, letters 'HT' have to be noted in the remarks column so as to watch whether necessary advice of payment is received from the office of issue, and if it is not received, to address the said office in regard to the same. The further case of the respondents is that the applicant was then working in the office of Director of Accounts Postal and was incharge of certificates in regard to Kacheguda during relevant period, and she had not addressed the Kacheguda in regard to the same when necessary advice of payment received.

4. It may be noted that in the stock and issue register the letters 'HT' were not noted in regard to the remarks column of the concerned certificates though the entries in regard to discharge were made.

5. One who purchased the above certificates obtained the duplicate certificate from Kacheguda Post Office in January, 1987 and he encashed these duplicate certificates in the same Post Office in the same month. Thus it is a case of double payment to that person. When the said fraud was noticed the amount encashed plus penal interest to some extent was recovered from him. When the balance of penal interest of Rs.5,700/- and odd was not recovered from that person, the same was apportioned amongst the applicant and two others who were said to be negligent in regard to these transactions, and when only Rs.1,300/- and odd was recovered from one those three employees and as he retired, the balance of Rs.600/- was again apportioned to the applicant and another, and hence the impugned memo was issued.

6. One of the contentions for the applicant is that the impugned memo of recovery without conducting inquiry is vitiated.

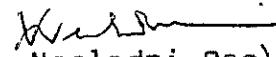
7. When it is a case of recovery of amount for the alleged negligence, the recovery cannot be ordered without either issuing a show-cause-notice or without conducting an inquiry in accordance with CCS(CCA)Rules. Hence, the impugned memo is liable to be set aside. But an opportunity has to be given to the respondents to take steps in accordance with law if they are so advised.

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8. In the result the impugned memo No.225/CC.II/Gen/F.cases Stn. Kacheguda, dated 14-8-1995 is set aside. But this order does not debar the respondents from taking steps if so advised in accordance with law. No costs. //



(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated : Sept. 4, 95
Dictated in Open Court


Deputy Registrar (J) CC

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To

1. The Secretary to the Ministry of Communications, Union of India, Dept. of Posts, Dak Bhavan, Parliament Street, New Delhi-1.
2. The Chief Postmaster General, Andhra Circle, Dak Sadan, Abids, Hyderabad.
3. The Director of Accounts (Postal) Andhra Circle, Dak Sadan, Abids, Hyderabad-1.
4. The Accounts Officer, Cash Certificates Section, O/o Director of Accounts (Postal) Abids, Hyderabad.
5. One copy to Mr. B.S.A. Satyanarayana, Advocate, 2-1-561, Nallakunta, Hyderabad.
6. One copy to Mr. N.R. Devraj, Sr. CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

and

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

DATED:- 6 -9 -1995.

ORDER/JUDGMENT.

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

in

O.A.No.

1023/95

T.A.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.

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No *spare copy*

