

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 22nd day of July, 2010

ORIGINAL APPLICATION NO. 254/2006

CORAM

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. K.S. SUGATHAN, ADMINISTRATIVE MEMBER

Murari Lal Sharma son of Shri Chiranjilal Sharma, aged about 56 years, resident of F-101, Ram Nagar Extension, Sodala, Jaipur. Presently working as Sub Post Master, Ashok Nagar Sub Post Office, Jaipur City Postal Division, Jaipur.

.....Applicant

(By Advocate: Mr. C.B. Sharma)

VERSUS

1. Union of India through its Secretary to the Government of India, Department of Posts, Ministry of Communication, Dak Bhawan, New Delhi.
2. Principal Chief Post Master General, Rajasthan Circle, Jaipur.
3. Senior Superintendent of Post Offices, Jaipur City Postal Division, Jaipur.

.....Respondents

(By Advocate: Mr. T.P. Sharma)

ORDER (ORAL)

The applicant has filed this OA against the order dated 10.07.2006 (Annexure A/1) whereby ~~the~~ he has been held liable for a sum of Rs.22,097/-.

2. Briefly stated, facts of the ^{Case in} are that Shri H.D. Bhatia, SAS Agency No. 476, had deposited a sum of Rs.20,000/- in the name of Shri Madan Gopal Bhatia, depositor of NSS-87 Account Number 6025 standing at the then Adarsh Nagar S.O. Jaipur on 26.3.1991 but Account Number was erroneously written as 5831 instead of 6025.

This amount was credited in Account No. 5831. Subsequently a complaint was made by one Shri Madan Gopal Bhatia, depositor of NSS-87 Account Number 6025 on 26.11.2001 to P.M. Jawahar Nagar HO Jaipur that due to oversight the Account Number was mentioned as 5831 standing in the name of Shri Gopal Das Bhatia instead of 6025 and requested for withdrawal of Rs.20,000/-. On the application of Shri H.D. Bhatia dated 08.04.2001, Shri C.S. Sharma, the then SB PA Adarsh Nagar S.O. made the entry of deposit of Rs.20,000/- dated 26.03.1991 in the Pass Book of Account Number 6025 with reference to Jawahar Nagar HO Jaipur. Further he has not cancelled the said entry of deposit for Rs.20,000/- in the ledger cards as well as Pass Book of NSS-87 Account Number 5831. Meanwhile, the NSS-87 Account Number 5831 was allowed to be finally closed on 11.04.1997. On the basis of Pass Book entry of deposit of Rs.20,000/- dated 26.03.1991, Shri Madan Gopal Bhatia claimed withdrawal of Rs.20,000/- with interest thereon but it was denied by Jawahar Nagar HO Jaipur on the plea that there was no entry of deposit Rs.20,000/- dated 26.03.1991 in the ledger card of Account Number 6025.

3. Aggrieved by this, Shri Madan Gopal Bhatia filed a Consumer Court case No. 99/2004 against the Department and the matter was decided on 08.04.2004. The respondents' Department was directed to pay Rs.20,000/- alongwith interest with effect from 26.03.1991 till NSS 87 Scheme exists and thereafter 9% interest per annum within two months and cost of Rs.1000/- towards expenses. The Chief PMG Rajasthan Circle, Jaipur vide his letter dated 18.05.2004 directed the Department to implement the court's order and to recover the amount

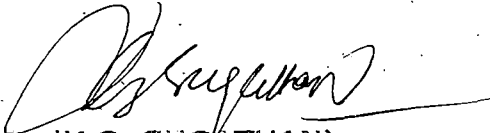
of loss sustained by the Department from the officials at fault. Accordingly, the respondents had passed the impugned order dated 10.07.2006 (Annexure A/1) whereby the applicant has been directed to credit a sum of Rs.22,097/- alongwith interest within a period of ten days from the date of receipt of the impugned order. It is this order which is challenged before this Tribunal.


4. The respondents have filed reply thereby justifying their action.

5. We have heard the learned counsel for the parties. Admittedly, in this case the recovery vide impugned order dated 10.07.2006 (Annexure A/1) has been effected from the applicant without giving any show cause notice to him thereby pointing out his role in the matter. It is not a case of such nature where the mistake is apparent on the face of record. Admittedly, at initial stage the applicant has not made any entry in the Ledger Book and prima-facie, the applicant cannot be held liable. It may be just possible that in case an opportunity was afforded to the applicant, it was possible for the authorities to arrive at a different finding and in these circumstances, the respondents should have followed the principles of natural justice by giving show cause notice to the applicant. Having not done so, we are of the view that the impugned order dated 10.07.2006 (Annexure A/1) passed by the respondents is in dis-regard to the principles of natural justice. Accordingly, the impugned order dated 10.07.2006 (Annexure A/1) so far as it relates to the applicant is quashed and set aside. However, it will be open for the respondents to pass fresh order

after giving show cause to the applicant and to proceed in the matter in accordance with law.

6. With these observations, the OA is disposed of with no order as to costs.


(K.S. SUGATHAN)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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