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NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Reply not filed

OA No.190/2007.

29.08.2007.

Mr. P. N. Jatti counsel for the applicant.
Ms. Kavita Bhati proxy counsel for
Mr. Kunal Rawat counsel for the respondents.

On the request of Learned proxy counsel for the respondents, the case is adjourned to 12.09.2007. IR to continue till the next date.

Kul
(KULDIP SINGH)
VICE CHAIRMAN

p.c.

12.09.2007

OA No.190./2007

Mr. P.N. Jatti, Counsel for applicant.
Mr. Kunal Rawat, Sr. Standing Counsel for respondents

Heard the learned counsel for the parties.

For the reasons dictated separately, the OA is disposed of.

Tarsem Lal
(TARSEM LAL)
MEMBER (A)

M.L. Chauhan
(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

Jaipur, the 12th day of September, 2007

ORIGINAL APPLICATION NO: 190/2007

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. TARSEM LAL, ADMINISTRATIVE MEMBER

J.P. Meena son of Shri Laxmi Narain Meena by caste Meena, aged about 49 years, resident of Village and Post Kalotra Via Kundal, presently working as SPM Gudha - Katla - Bandikui, District Dausa.

By Advocate: Mr. P.N. Jatti

.....Applicant

Versus

1. Union of India through the Secretary to the Government of India, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Superintendent Post Officer, Jaipur (MFL) Dn, Jaipur.

By Advocate: Mr. Kunal Rawat (Sr. Standing Counsel)

.....Respondents

ORDER (ORAL)

The grievance of the applicant in this OA is regarding the impugned order dated 23.05.2007 whereby the penalty of recovery of Rs.16,000/- was imposed being his share of loss sustained by the Department. The said recovery of Rs.16,000/- was to be recovered in four equal instalments of Rs.4000/-. It is pertinent to mention that this impugned

order was passed after issuing the charge sheet to the applicant under Rule 16 of the CCS (CCA) Rules, 1965. When the matter was taken up for admission by this Bench on 05.06.2007, the learned single Judge passed the following order:-

"Heard the learned counsel for the applicant. He submitted that without giving any show cause notice or opportunity of being heard to the applicant, recovery has been effected from the month of May, 2007 amounting to Rs.16000/- in haste by the Superintendent of Post Office, Jaipur Division, Jaipur vide his order dated 23.05.2007 (Annexure A/1). The applicant has filed an appeal dated 29.05.2007 (Annexure A/3) against the said order but no decision has been taken on his appeal. Aggrieved by the same, the applicant has filed this OA praying for interim relief that no recovery be made from him till his appeal is decided.

Having regard to the facts & circumstances of the case, let notices be issued to the respondents returnable within a period of four weeks for filing their reply.

List the case on 29.08.2007

As regards the interim relief, the respondents are directed not to effect any recovery from the pay of the applicant @ Rs.4000/- per month till the appeal dated 29.05.2007 filed by the applicant is decided."

2. Mr. Kunal Rawat, Sr. Standing counsel, puts appearance on behalf of the respondents and submitted that in compliance of the order of the Tribunal dated 05.06.2007, appropriate authority has passed the order dated 27.07.2007 whereby the appeal of the applicant has been

dismissed and punishment passed by the Disciplinary Authority has been confirmed by the Appellate Authority. The copy of this order has been taken on record.

3. In view of this development, the present OA does not survive. However, it will be open for the applicant to challenge the order dated 27.07.2007 passed by the Appellate Authority by filing a separate OA.

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

Kauseen Lal
(TARSEM LAL)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHO