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**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

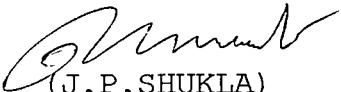
ORDERS OF THE TRIBUNAL

04.04.2007

OA 57/2007

Mr.A.K.Jaimal, proxy counsel for
Mr.K.K.Mathur, counsel for applicant.

Learned proxy counsel for the applicant seeks adjournment. This case is being adjourned for the last two dates. Let the matter be listed on 11.4.2007, as a last opportunity.


(J.P.SHUKLA)
MEMBER (A)

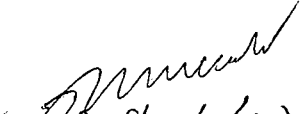
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OA 57/2007 with MA 53/2007

11.4.07

Mr. K.K. Mathur, counsel for applicant.

Heard. The OA as well as
MA stand disposed of by a separate
order.


(J.P. Shukla)
Member (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 11th day of April, 2007

ORIGINAL APPLICATION NO.57/2007

With

MISC. APPLICATION NO.53/2007

CORAM :

HON'BLE MR.J.P.SHUKLA, ADMINISTRATIVE MEMBER

Babu Lal Swamy
s/o Shri Rood Mal Swamy,
r/o Ward No.13,
Durga Colony,
Behind Ramlila Maidan,
Sikar.

By Advocate : Shri K.K.Mathur

... Applicant

Versus

1. Union of India through
Secretary to the Govt.,
Department of Posts,
Ministry of Communication,
Dak Bhawan, Sansad Marg,
New Delhi.
2. Post Master General,
Rajasthan Western Region,
Jodhpur.
3. Supdt. of Post Offices,
Sikar Postal Division,
Sikar.
4. Director Postal Services,
Rajasthan Western Region,
Jodhpur.

By Advocate : - - -

... Respondents

Shri K.K.Mathur

ORDER (ORAL)PER HON'BLE MR. J. P. SHUKLA


Heard the learned counsel for the applicant. The brief facts of the case, as submitted by the applicant, are that the applicant who is employed in the Post Office introduced two depositors for the purpose of opening Savings account. Thereafter, the said depositors by way of a fake cheque withdrew a sum of Rs.1,85,000/-. For this, the department has imposed a penalty of recovery of Rs.72000/- from the salary of the applicant in 60 installments i.e. Rs.1200/- per month.

2. It was brought to the notice of this Tribunal by the learned counsel for the applicant that the departmental appeal against imposition of the penalty of recovery has been rejected. It was also brought to the notice that as per the provisions of Rule-16 of the Rules of 1965, penalty of recovery can be imposed only in those cases in which pecuniary loss is caused to the government by the negligence or breach of orders by a government servant when the government servant was responsible for a particular act or acts of negligence or breach of orders or rules. But no such allegation has been leveled against the applicant in the memorandum of charge-sheet. It was also submitted by the learned counsel for the applicant that as per Rule-11 under Instructinos-23, recovery should not be exceeded to 1/3rd of the basic pay and should not be spread over a period of more than three years.

3. After hearing the learned counsel for the applicant and perusal of records, it is observed that the applicant introduced the depositors without actually knowing them and the introduction given was false. The departmental

inquiry report revealed that the names and addresses of the depositors were found bogus and fake. Thus, the applicant facilitated a fraudulent withdrawal of money and thereby caused loss to the department to the tune of Rs.1,83,900/-.

4. I find no merit in this case and this OA is dismissed at the admission stage itself. MA for condonation of delay is also dismissed.


(J.P. SHUKLA)
MEMBER (A)

vk