

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 13th day of April, 2010

ORIGINAL APPLICATION NO. 550/2009

CORAM:

HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Ghure Lal Upadhya son of Late Shri Behari Lal, aged about 54 years, resident of Village & Post Pachgaon, District Dholpur and presently working as Sub Post master, Pachgaon, Sub Post Office, District Dholpur.

.....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 & Information Technology, Dak Bhawan, New Delhi.
2. Principal Chief Post Master General, Rajasthan Circle, Jaipur.
3. Superintendent of Post Offices, Dholpur Division, Dholpur.

.....RESPONDENTS

(By Advocate: Mr. Gaurav Jain)

ORDER (ORAL)

The applicant has filed this OA under Section 19 of the Administrative Tribunal's Act, 1985 against the order dated 20.12.2009 (Annexure A/1) issued by respondent no. 3 by which he was directed to deposit Rs.4,88,028/- within ten days on account of his share in fraud committed by one Shri Kailash Chand Sharma, the then Sub Post Master, Brahambad Post Office situated far away from Dholpur, where the applicant at the relevant time was working as Sub Accounts Postal Assistant. Through this OA, the applicant has prayed for the following relief:-

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- "(i) That the entire record relating to the case be called for and after perusing the same decision of respondent no. 3 directing the applicant to credit Rs.4,88,028/- within 10 days be quashed and set aside by quashing letter dated 02.12.2009 (Annexure A/1) with all consequential benefits.
- (ii) That the respondent no. 3 be further directed not to involve the applicant in the so called incident and not to make any recovery by any other action.
- (iii) Any other order, direction or relief may be passed in favour of the applicant, which may be deemed fit, just and proper under the facts and circumstances of the case.
- (iv) That the costs of this application may be awarded."

2. I have heard the learned counsel for the parties and perused the records of the case. From perusal of the records, I find that the applicant has been directed to deposit the share of amount of fraud of Rs.4,88,028/-, which is attributed to his negligence. However, the applicant submitted that this fraud had not been committed because of negligence on his part and he is not ready to accept such direction, sans authority of rule, given by the department to deposit the share of amount of fraud of Rs.4,88,028.

3. In my considered opinion, the Department cannot make any recovery from the applicant without passing any order for the same as per rules. Therefore, the order dated 02.12.2009 (Annexure A/1) is hereby quashed & set aside. However, the respondents are at liberty to pass any order as per CCS (CCA) Rules.

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

B.L. KHATRI
(B.L. KHATRI)
MEMBER (A)