

Central Administrative Tribunal  
Jaipur Bench, JAIPUR

OA No.31/2011

This the 23<sup>rd</sup> day of February, 2011

**Hon'ble Shri M.L. Chauhan, Member (Judicial)**  
**Hon'ble Shri Anil Kumar, Member (Administrative)**

Hanuman Prasad Shukla S/o Shri Prasad Shukla aged about 60 yrs, r/o ward No. 9, Rajakhera Distt. Dholpur(Rajasthan).

...Applicant

(By Advocate: Shri P.N.Jatti )

- **VERSUS -**

1. Union of India through the Secretary to the Government of India, Department of Post, Dak Bhawan Sansad Marg, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur-7
3. Director Postal Services (HQ) Jaipur, O/o CPMG Office Rajasthan Circle-Jaipur
4. Superintendent Post offices, Dholpur Dn. Dholpur.

.....Respondents

**ORDER (ORAL)**

The applicant has filed this OA against the order dated 24.11.2010 whereby representation of the applicant for releasing of leave encashment amount was rejected on the ground that charge memo under Rule 14 of CCS(CCA) 1965 for misappropriation of Rs.90000+90000 is pending and the said amount has also not been deposited by the applicant so far.

2. We have heard learned counsel for applicant at the admission stage. Learned counsel for applicant submits that applicant is willing to deposit the amount stated to be emblazed which is subject matter of the disciplinary proceeding subject to the ultimate decision and the appropriate authority can recover the said

amount from the leave encashment amount to which the applicant shall be entitled and refund the balance amount to the applicant.

3. We have given due consideration to the submission so made by the Id. counsel for the applicant and perused the material placed on record as well. Since, the applicant has not made any representation regarding this aspect before the appropriate authority; as such the matter has not been examined by the competent authority, in the light of the submissions made by the Id. counsel for applicant. Thus, we are of the view that present OA can be disposed of at this stage with a liberty reserved to the applicant to file representation before the competent authority, in terms of submissions as noticed above. In case such representation is made by applicant within a period of one month from today, the appropriate authority shall entertain the same and pass appropriate order within a period of six weeks from the date of receipt of such representation in terms of provisions contained in rule 39(3) of CCS(Leave) Rule 1972. The OA shall stand disposed of in the aforesaid terms with no order as to costs. In case the applicant is still aggrieved by the order to be passed by the competent authority, it shall be open for him to challenge said order by filing substantive OA.

*Anil Kumar*  
**(Anil Kumar)**  
**Member (Administrative)**

*M.L.Chauhan*  
**(M.L.Chauhan)**  
**Member (Judicial)**

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