

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

OA No.4215/2017

New Delhi, this the 19<sup>th</sup> day of December, 2017

**Hon'ble Mrs. Jasmine Ahmed, Member (J)**

Bhanudas  
S/o Late Shri Deep Chand  
Aged : 58 years  
Group `C`,  
R/o 13/-1-D, P&T Quarter,  
Kaali Bari Marg, Gole Market  
New Delhi-110001

... Applicant

(Through Shri Abhishek Kumar Choudhary, Advocate)

Versus

1. Secretary Post,  
Dak Bhawan,  
New Delhi-110001.
2. The SSPO's,  
New Delhi Central Division,  
New Delhi-110001

... Respondents

(Through Shri Satish Kumar, Advocate)

**ORDER (Oral)**

The applicant was working as Postal Assistant, S.R.T. Nagar Post Office, New Delhi. Annexure A/2 order dated 29.12.2016 came to be issued proposing to take action against him under Rule 16 of CCS (CCA) Rules, 1965 for some alleged misconduct. Denying the allegations, the applicant submitted Annexure A-4 representation dated 24.10.2017. Not satisfied with the representation/reply of the applicant, the competent

authority, vide impugned Annexure A/1 order dated 31.10.2017, imposed the following penalty on the applicant:

"I have gone through the representation of the official dated 24.10.2017 and other relevant documents. It is clear that Sh. Bhanudas booked 30654 BNPL articles in "Other without agreement" instead of proper BNPL code which resulted fraud to the tune of Rs.491996.70/-. I therefore order that the amount of Rs. Rs.491996.70/- be recovered in 25 instalments @ Rs.20000/- (twenty thousand only) per month in 24 instalments and 25th instalment of Rs.11996.70/- from the pay of the official with immediate effect."

2. Aggrieved by the Annexure A-1 penalty order, the applicant has approached the Tribunal in the instant OA, praying for the following reliefs:

"i) to set-aside/quash the cryptic impugned order dated 31/10/2017 (Annexure-A/01), passed by the Respondent no.02;

ii) to set-aside/quash the cryptic office order dated 29/12/2016 (Annexure-A/02) passed by the Respondent No.02;

iii) to direct the Respondents not to recover any amount from the applicant, as per the law."

3. Pursuant to the notice issued, Shri Satish Kumar, learned counsel has put in appearance on behalf of the respondents.

4. Learned counsel for the applicant submits that a recovery of Rs.20,000/- per month from the salary of the applicant has been ordered vide impugned order, which is very harsh considering the take home pay of the applicant being Rs.29,143/- per month. He submits that though the action has been initiated under Rule 16 of the CCS (CCA) Rules which deals

with the procedure for imposing minor penalties, but penalty imposed is indeed a major penalty.

5. I have heard the learned counsel for the parties and gone through the records of case.

6. Indisputably, action had been initiated by the respondents under Rule 16 of CCS (CCA) Rules which ultimately culminated into passing of the impugned Annexure A-1 penalty order. Challenging the penalty order of recovery, the applicant preferred an appeal dated 15.11.2017, which is still pending with the respondents. Learned counsel for the applicant has produced in the Court a copy of order dated 29.11.2017 passed by the Tribunal in a similar case bearing OA No.3802/2017.

7. Maintaining the judicial decorum, I dispose of this OA, at this stage, with a direction to the appellate authority to dispose of the appeal of the applicant filed on 15.11.2017 within a period of three months. Needless to say that the applicant would have liberty to take remedial measures as available to him under law in case he remains dissatisfied with the order to be passed by the appellate authority. It is further directed that no recovery shall be effected from the applicant till his appeal is disposed of.

(JASMINE AHMED)  
MEMBER (J)

/Mbt/