

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.80 /2018.

Date of Decision: 29.01.2018.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)

Chetna Bokade,
 Working as Postal Assistant
 Buttibori Post Office
 Nagpur 441 108.
 R/at Shree-63, New State Bank
 Colony, Behind New Arts
 College, Nalwadi, Wardha 442 001. *Applicant*
(Advocate by Ms. Priyanka Mehndiratta)

Versus

1. Union of India,
 Through the Chief Postmaster
 General, Department of Posts,
 Maharashtra Circle, GPO
 Mumbai 400 001.
2. The Director Postal Services,
 Nagpur Region, Nagpur 440 010.
3. The Senior Superintendent of Post
 Offices, Nagpur Mofussil Division,
 Nagpur – 440 002.
4. The Superintendent of Post Offices,
 Nagpur Mofussil Division,
 Nagpur – 440 002. *Respondents*

ORDER (Oral)

Per : Shri A.J. Rohee, Member (J)

Today when the matter is called out
 for admission, heard Ms. Priyanka
 Mehndiratta, learned Advocate for the
 Applicant. We have carefully perused the

case record.

2. In this case, the applicant has grievance regarding the impugned order dated 29.06.2017 (Annexure A-1) passed by the Disciplinary Authority - Respondent No.3 by which, recovery of amount to make good the loss sustained is directed by way of penalty. It is stated that the amount of Rs.3,00,000/- be recovered from the salary of the applicant in 30 equal monthly installments of Rs.10,000/- commencing from the month of July, 2017.

3. The record shows that the applicant has preferred appeal against the said order before the Appellate Authority - Respondent No.2 on 16.08.2017 (Annexure A-4). According to applicant, nothing has been heard from the other end so far. In view of this, the statutory remedy of appeal although availed by the applicant by preferring the appeal, the same cannot be said to be fully exhausted until decision on pending appeal.

4. In view of this, we are of the considered view that ends of justice will be better served, in case appropriate

directions are issued in the matter.

5. During the course of arguments, learned Advocate for the applicant prayed for interim relief to stay further recovery till decision of the appeal. In this respect, reliance is placed on the order dated 30.05.2017 passed by this Tribunal in *OA No.337/2017 (Pooja Shashikant Paradkar V/s. Union of India & Ors.)* in which the Single Bench while disposing of the said OA, directed the Appellate Authority to decide the appeal and till then not to recover further amount of installments. However, considering the fact that the order has been passed by the Single Bench, we are not incline to grant similar relief to the applicant at this interim stage, especially when appeal is pending in which no interim stay to recovery is sought till decision of appeal.

6. The Respondent No.2 is, therefore, directed to consider and pass a reasoned and speaking order on the pending appeal dated 16.08.2017 of the applicant in accordance with law, within a period of four weeks from the date of receipt of certified copy of this order.

7. The order so passed shall then be communicated to the applicant at the earliest, who will be at liberty to approach the appropriate forum in case his grievance still persists.

8. The OA stands disposed of with the aforesaid directions at the admission stage, without issuing notice to the respondents and without making any comments on merits of the claim.

9. Registry is directed to forward certified copy of this order to both the parties at the earliest.

(R. Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

dm.