

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00188/2017

Date of Order: This, the 17th day of January 2019

**THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER
THE HON'BLE MR. N. NEIHSIAL, ADMINISTRATIVE MEMBER**

Sri Bijit Boro
C/o Late Thaneswar Boro
Raja Duwar, R.B. Road, 2nd Bye Lane
P.O. – North Guwahati, Pin – 781030.

...Applicant

By Advocate: Mrs. P.R. Baruah

-Versus-

1. Union of India
Represented by the Secretary
To the Department of Posts
Government of India, Ministry of Communication
Information and Technology, New Delhi – 1.
2. The Chief Postmaster General
Assam Circle, Meghdoot Bhawan
Panbazar, Guwahati – 1.
3. The Director of Postal Services
(H.Q. and Marketing)
Assam Circle, Meghdoot Bhawan
Guwahati – 1.
4. The Sr. Superintendent of Post Offices
Guwahati Division, Meghdoot Bhawan
Panbazar, Guwahati – 1.

...Respondents

By Advocate: Mr. S.K. Ghosh, Addl. CGSC

ORDER (ORAL)**MANJULA DAS, JUDICIAL MEMBER:**

Heard Mrs. P.R. Baruah, learned counsel for the applicant and Mr. S.K. Ghosh, learned Addl. CGSC for the respondents.

2. The grievance of the applicant is against the Memorandum of Charge dated 02.03.2017 by which it was alleged as follows:

“On scrutiny of the above ECB Memos, it revealed that Sri Bijit Boro has furnished a fake amount of liabilities against the details of liabilities shown in the ECB memo dated 13.07.2016 and 14.07.2016. On 12.07.2016, the SPM, Changsari SO made a remittance of Rs. 4,50,000/- through O/S cash. On 13.07.2016 and 14.07.2016 cash accumulated in the hand of the SPM were Rs. 2,13,889/- and Rs. 2,89,864/- respectively showing fake liability and he did not call the cash van. On 15.07.2016 when the cash van arrived as per order of the Postmaster, G.U. HO, the applicant remitted Rs. 3,00,000/-. It is obvious that Sri Bijit Boro, SPM, Changsari SO retained excess cash in his office on 13.07.2016 and 14.07.2016 without genuine liability violating the spirit of the above said Rule. Had Sri Bijit Boro called the cash van on 13.07.2016 or 14.07.2016, the amount looted by the miscreants on 15.07.2016 at Pakorkona could have been at minimum.”

3. According to the learned counsel for the applicant, the money of Rs. 3,00,000/- which is sought to be recovered was looted by the miscreant/dacoit and accordingly, the applicant is not liable for any recovery of an amount of Rs. 3,00,000/-.

4. Contrary to that, Mr. S.K. Ghosh, learned Addl. CGSC appearing on behalf of the respondents submits that Rs. 3,00,000/- in fact was recovered from the applicant's pocket which is further deposited by the applicant to the Govt. Account of Changsari Branch Post Office.

5. On query as to whether the applicant did make any appeal before the respondent authority against the punishment order No. 7-1/16-17/G.U. HO (Cash Van)/Discy/B.Boro dated 05.05.2017 by which penalty of recovery of Rs. 3,00,000/- (Rupees Three Lakh) only @ of Rs. 15,000/- in 20 equal monthly installment was awarded to the applicant, the learned counsel for the applicant as well as respondents submits that no appeal has been filed by the applicant against the said penalty order.

6. Mr. Ghosh fairly submits that now the stipulated period of 45 days for filing any appeal has already been over.

7. In view of the above facts and circumstances and as the applicant has not fully exhausted all the alternative remedies, we deem fit and proper to direct the applicant to make a appeal before the Appellate Authority within 10 (ten) days from the date of receipt copy of this order and on receipt of the same, by condoning the delay, the Appellate Authority shall dispose of within a period of one month thereafter.

7. With the above observation and direction, O.A. stands disposed of accordingly. No order as to costs.

(N. NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

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