

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/000222/2018

DATED THIS THE 05TH DAY OF APRIL, 2019

**HON'BLE DR.K.B.SURESH
HON'BLE SHRI C.V. SANKAR**

**...MEMBER(J)
...MEMBER(A)**

H.S. Hungund,
Aged about 54 years,
S/o Sharanappa,
Senior Postmaster,
H.P.O., Mysuru-570 001.
Residing at 4th Cross,
Vidyagiri,
Bagalkot-587 103.

..Applicant.

(By Advocate Shri A.R. Holla)

Vs.

1. Union of India
Rep. by the Secretary,
Ministry of Communications & IT,
Department of Posts,
Dak Bhavan, Sansad Marg,
New Delhi – 110 016.

2. The Director General ,
Dak Bhavan, Sansad Marg,
New Delhi – 110 016.

3. The Post Master General,
South Karnataka Region,
Bengaluru-560 001.

4. The Senior Accounts Officer,
O/o Post Master General,
South Karnataka Region,
Bengaluru-560 001..

...Respondents

(By Standing Counsel Shri Vishnu Bhat, for Respondents)

ORDER (ORAL)**HON'BLE DR.K.B.SURESH** **...MEMBER(J)**

Heard. We discussed the matter with the learned counsels. It appears that while passing Annexure A-5 order, no show cause notice was issued to the applicant while quantifying the apparent loss caused to the Government. The department says that they went just by the audit objection. Audit objection is not God's words. Whatever be the audit objection, the concerned authority will have to satisfy themselves that such a quantum of amount had become due from the concerned employee and issue show cause notice to him and obtain his response to it and hear him on the basis of evidence available, only then it can be quantified. If a person had been wrongly appointed, it cannot be said that the person had not known of this factor, but then reasonable permutation must be made to quantify, so as to correctly allocate the work extracted from these people, whether it is official or malafide and then accordingly fix the quantum. In other words, like a Civil Court will quantify the damage, it has to be quantified and not otherwise. It shall not be based on the whims and fancies or imagination of the concerned official. It shall only be on the correct evidence available on this factor.

2. Therefore in order to protect the interest of the applicant and the respondents respectively, we will now direct the respondents to remit the amount of Rs. 11,62,789/- along with interest at the rate of normal Bank interest

in a Nationalised Bank and produce the FD receipt valid for 6 months, before the Registry. On quantification and settlement, applicant will be eligible to have whatever due to him and the respondents will be eligible to what is due to them. But otherwise OA is disposed of .

(C.V. SANKAR)
MEMBER(A)

(DR.K.B.SURESH)
MEMBER(J)

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Annexures referred to by the Applicant in OA No.170/00222/2018

1. Annexure A1 : Copy of relevant extract of the memorandum dated 19.1.2011.
2. Annexure A2 : Copy of letter dated 13.2.2012.
3. Annexure A3 : Copy of the audit report dated 13.6.2016.
4. Annexure A4 : Copy of the order dated 24.1.2017.
5. Annexure A5 : Copy of order dated 29.8.2017.

Annexures referred to by the respondents in the Reply

1. Annexure R1: Copy of the letter dated 31.1.2017.
2. Annexure R2 :Copy of the charge report dated 28.1.2017.
3. Annexure R3 :Copy of the letter dated 22.9.2017.
