

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No. 21/489 of 2019

Date of Order: 29.05.2019

Between:

R. Rajashekar, S/o. Haribabu,
Aged about 35 years, Occ: Postal Assistant,
Inter Check Organization Savings Bank,
O/o. Postmaster General, Hyderabad Region,
Dak Sadan, Hyderabad – 500 001.

... Applicant

And

1. Union of India, Rep. by its Secretary,
Department of Posts-India,
M/o. Communications and IT,
Dak Sadan, New Delhi – 110 001.
2. The Chief Post Master General,
Telangana Circle, Hyderabad-1.
3. The Postmaster General,
Hyderabad Region, Hyderabad -1.
4. The Director of Postal Services,
O/o. Postmaster General,
Hyderabad Region, Hyderabad -1.
5. The Superintendent of Post Offices,
Nalgonda Division, Nalgonda-1.
6. The Senior Accounts Officer,
Internal Check Organization (SB),
O/o. Postmaster General,
Hyderabad Region, Hyderabad -1.
7. The Accounts Officer,
Internal Check Organization (SB),
O/o. Postmaster General,
Hyderabad Region, Hyderabad -1.

... Respondents

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|-----------------------------|-----|---------------------------|
| Counsel for the Applicant | ... | Mr. B. Pavan Kumar |
| Counsel for the Respondents | ... | Mrs. K. Rajitha, Sr. CGSC |

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }

2. Applicant is working as Postal Assistant in the respondent organization since 22.07.2002. He was given a Rule 16 charge memo on 09.09.2015 for contributory negligence in regard to the fraud committed by the Sub-Post Master, Machavaram Sri T. Srinivas. Applicant sought regular inquiry under Rule 16(1)(b) of the CCS (CCA) Rules and the same was acceded to. Based on the inquiry, disciplinary authority vide order dt. 14.05.2019 imposed penalty of recovery of Rs.7,28,295/- from the pay and allowances of the applicant. The applicant made an appeal on 21.05.2019. Statutory time available is 45 days for the appellate authority to dispose of the appeal. Before the appeal could be disposed, disciplinary authority has ordered recovery of the amount from the applicant at the rate of Rs.10,000/- per month commencing from May 2019, vide his order dated 14.05.2019.

3. Heard learned counsel for the applicant and Mrs. K. Rajitha, learned Sr. CGSC appearing for the respondents.

4. Learned counsel for the applicant prayed that the appellate authority may be directed to dispose of the appeal and till such time, the recovery of amount from the applicant under the impugned order be suspended. Learned counsel for the respondents has agreed to such a submission.

5. It is trite in law that whenever an appeal is made, disciplinary authority need to await disposal of the appeal for giving effect to the penalty imposed. In the present case, before appeal could be disposed, disciplinary authority ordered

implementation of the recovery of Rs.7,28,295/-, which is huge. In the interest of justice, it would be proper and appropriate to stay the recovery in pursuance of the impugned order dt. 14.05.2019 till disposal of appeal and order the appellate authority to dispose of the appeal, within a period of four weeks from the date of receipt of this order and it is ordered accordingly.

6. OA is accordingly disposed of at the admission stage itself. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 29th day of May, 2019

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