

**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH AT BANGALORE**

**ORIGINAL APPLICATION NO.170/001799/2018**

**DATED THIS THE 7<sup>TH</sup> DAY OF NOVEMBER, 2019**

**HON'BLE DR K B SURESH....MEMBER (J)  
HON'BLE SHRI C V SANKAR .....MEMBER (A)**

Hanumantharayappa  
S/o late Thimmanna,  
Aged about 60 years,  
Retd Postmaster Grade –II  
Kadur-577548.

Respondent: Camp Baragur, Sira Taluk,  
Tumkur-572 113.

...Applicant

(By Advocate Shri.K Hanifa)

Vs.

1. Union of India,  
Rep. by its Secretary,  
Department of Posts,  
Dak Bhavan, Parliament Street,  
NEW DELHI-110 001

2. The Superintendent of Posts  
Chikmagalur,  
Chikmagalur-577101.

3. Postmaster,  
Chikmagalur H.O.,  
Chikmagalur-577 101.

4. Director, Postal Service,  
S.K.Region  
Bangalore-560 001.

5. Director of Accounts (Postal),  
Karnataka Circle, GPO Bldgs,  
Bangalore -560 001.

...Respondents

(By Advocate Shri K Dilip Kumar, ACGSC)

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

Heard. This is a classic case in which after 12 years, the pay of the applicant had been fixed on the ground that a wrong fixation was given at that point of time without any juncture from the applicant. Without any issuing of notice and seeking and granting him an opportunity to defend himself, Rs.1,99,365/- was deducted from his DCRG at the time of his superannuation. This is clearly illegal and quite arbitrary. It is hereby quashed. There will be a specific mandate to the respondents to repay the money back without interest within next one month and beyond that interest at the rate of 15% as stated by the Hon'ble High Court in other similar cases. OA is allowed. No order as to cost.

**(C V SANKAR)  
MEMBER (A)**

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

/rsh/

**Annexures referred to by the Applicant in OA No.170/001799/2018**

Annexure A1: Copy of the letter dated 14.11.2006

Annexure A2: Copy of the letter No.18/03/2015-Estt.(Pay-I) dt. 02.03.2016

Annexure A3: Copy of the Pay Slip of March 2018

Annexure A4: Copy of the Pay Slip of April 2018

Annexure A5: Copy of the PPO of the Applicant dt: 16.05.2018

Annexure A6: Copy of the PPO of Sri.Venkataravanappa dated 18.05.2018

Annexure A7: Copy of the letter No.8/AC/HR//RET/Dlgs dt. 01.06.2018

Annexure A8: Copy of the letter No.C3-2/295/H/Pen/Dlgs dt.13.06.2018.

Annexure A9: Copy of the Letter No.802/Per/RTI-reply dt. 09.08.2018 to RTI application.

Annexure A10 Copy of the representation dated 17.10.2018

Annexure A11 Copy of the DOPT OM No.13/02/2017-Estt(Pay-I) dated 27.07.2017

Annexure A12 Copy of the DOPT OM No.13/02/2017-Estt(Pay-I) dated 28.08.2018

Annexure A13 Copy of the letter No.B-186/II dt.19.09.2006 issued by SPOs TMR

Annexure A14 Copy of the letter No.SK/AP/32-Misc/TMR dt.14.11.2006

Annexure A15 Copy of the Acquittance Roll dated 05.11.2006

Annexure A16 Copy of the Letter No.B-186/II dt. 16.11.2006

Annexure A17 Copy of the Approval for MACP III dt. 21.06.2010

Annexure A18 Copy of the RTI reply dated 05.10.2018

Annexure A19 Copy of the RTI reply dated 05.10.2018

**Annexure referred to by the Respondents in Reply Statement**

Annexure R1: Copy of the Notification dated 29.8.2008

Annexure R2: Copy of the Accounts Enfacement

Annexure R3: Copy of the judgment dated 29.7.2016 in Civil Appeal No.3500/2006

Annexure R4: Copy of the Second Schedule

Annexure R5: Copy of the Undertaking

Annexure R6: Copy of the Form of Option

Annexure R7: Copy of the Pension Rules