

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH AT BANGALORE**

ORIGINAL APPLICATION NO.170/001799/2018

DATED THIS THE 7TH DAY OF NOVEMBER, 2019

HON'BLE DR K B SURESH.....MEMBER (J)
HON'BLE SHRI C V SANKARMEMBER (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