

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 28/7 day of July 2000

Original Application no. 1156 of 1998.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member

1. All India Postal Employees Union  
Almora Division Almora through its Divisional  
Secretary Sri D.K. Joshi.
2. L.D. Tiwari, S/o late Sri B.D. Tiwari,  
R/o Head Post Office Colony, Almora,  
Distt. Almora.

.. Applicants

C/As Sri O.P. Gupta

VERSUS

1. The Post Master, Head Post Office Almora  
Distt. Almora
2. Superintendent of Post Offices Almora  
Division Almora.
3. Union of India through Secretary  
Ministry of Communication Government of India,  
NEW DELHI.

... Respondents

C/Rs Km. Sadhana Srivastava.

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Hon'ble Mr. S.K.I. Naqvi, Member-J.

The applicants have come impugning the memo dated 21.10.98 passed by Superintendent Post Offices, Almora (Respondent no. 2) directing recovery of the whole amount of H.R.A. and C.C.A. paid for the period from 01.01.90 to 31.07.97 from the salary of postal employees working under him. This order has been assailed mainly on the ground that the applicants have not received any irregular payment, therefore, they are not liable for any recovery. The order has been passed without show-cause notice to the applicants and without giving an opportunity of being heard in respect of that recovery.

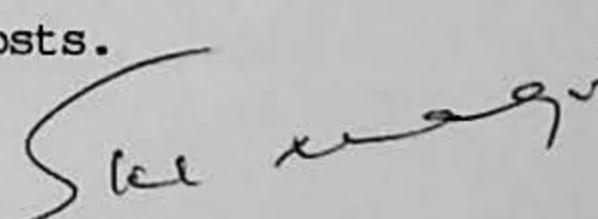
2. The respondents have contested the case and filed the counter affidavit, in which it is stated that the payment of house rent allowance and compensatory (city) allowance were authorised by the Ministry of Finance vide memorandum dated 03.07.97. In the memorandum, the H.R.A. and C.C.A. were allowed at enhanced rate w.e.f. 01.08.97 on the basis of pay in the revised scale for the period from 01.01.1996 to 31.07.1996. The H.R.A. and C.C.A. for this period was drawn on the rates as existed at that time and, by mininterpreting the memorandum, paid to the employees on the notional pay and pre-revised scale. Subsequently, a clarification on the above subject circulated by Chief Post Master General, U.P. Circle, Lucknow was received on 18.12.97 and it was clarified that H.R.A. and C.C.A. at the enhanced rate was allowed from 01.08.97 only in the revised scale and there was direction for necessary action to recover the arrears of H.R.A. and C.C.A. paid for the period from 01.01.96 to 31.07.97. The respondents have a case that the

*S. Naqvi*

recovery is being made only in respect of payment of H.R.A. and C.C.A. for the period from 01.01.96 to 31.07.97, for which the employees were not entitled and were paid by unauthorised drawal.

3. Heard, the learned counsel for the rival contesting parties and perused the record.

4. The perusal of the impugned order, copy of which has been annexed as annexure-1, goes to show that the order is not well reasoned and has been passed without giving an opportunity of hearing or show-cause notice to the applicants in respect of alleged recovery. Therefore, I am <sup>not</sup> in a position to sustain this impugned order, which is quashed accordingly. However, it will be open to the respondents to take appropriate action and pass order after giving due opportunity to the applicants on being heard. The OA is disposed of accordingly. No order as to costs.

  
Member-J

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