

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/020/730/2017

**Date of CAV : 19.04.2021
Date of Pronouncement: 29.04.2021**



Hon'ble Mr. Ashish Kalia, Judl. Member

K. Ramakrishna Reddy,
S/o. Late Thimma Reddy,
aged about 55 years,
Occ: Assistant Superintendent, HQ,
O/o. The Superintendent, RMS-AG Division,
Guntakal ó 515 801, Anantapur District, A.P.

...Applicant

(By Advocate : Sri B. Gurudas)

Vs.

1. Union of India rep. by
The Secretary, Department of Posts,
Dak Bhavan, New Delhi ó 110 001.
2. The Director General, Department of Posts,
Dak Bhavan, New Delhi ó 110 001.
3. The Chief Postmaster General,
A.P. Circle, Vijayawada ó 520 003.
4. The Postmaster General,
Kurnool Region, Kurnool ó 518 002.
5. The Superintendent of Post Offices,
Tirupati Division, Tirupati ó 517 501.
6. The Postmaster, Tirupati Head Post Office,
Tirupati ó 517 501 (A.P).
7. The Superintendent,
RMS -AG Division, Guntakal ó 515 801.
8. The Superintendent of Post Offices,
Anantapur Division, Anantapur ó 515 001.
9. The Postmaster, Anantapur Head Post Office,
Anantapur ó 515 001.
10. Sri E.V. Rao, S/o. Sriramamurthy,
Aged about 58 years, Ex. APMG Staff & Vigilance,
Combined A.P. Circle, Hyderabad.

... Respondents

(By Advocate: Smt L. Pranathi Reddy, Addl. CGSC.)

ORDER
(As per Hon'ble Mr. Ashish Kalia, Judl. Member)



The applicant, while working as ad hoc Superintendent of Post Offices, was suspended on 8.3.2011. A charge memo was issued to him. His case was reviewed by the competent authority on 28.11.2011 and decided not to vary the quantum of subsistence allowance and the same was neither increased nor decreased. Feeling aggrieved by this, he has approached this Tribunal, seeking the following relief:

to call for the records pertaining to the impugned order No.ST/GA/Disc./KRR dated 12.4.2011 (Annex.II) and declare the inaction on the part of the respondents in drawing and paying the subsistence allowance from 8.3.2011 as illegal, arbitrary, contrary to the rules and instructions prescribed and in violation of the principles of natural justice and Articles 14, 16 & 21 of the Constitution of India with a consequential direction to the respondents to draw and pay the subsistence allowance to the applicant taking the Supdt of POs leave salary into account @ 50% from 8.3.2011 to 7.6.2011 and 75% w.e.f. 8.6.2011 till the date of revocation of suspension i.e. 26.11.2012 with interest thereon @ 24% on delayed payment of subsistence allowance.

2. Respondents put appearance and filed their reply statement.

It is submitted in para 6 of the reply that due to non-submission of unemployment certificate, the applicant was not paid subsistence allowance. The applicant has submitted the unemployment certificate on 7.8.2017 and thereafter on 9.8.2017, the following payments are made to the applicant:

Subsistence Allowance for the period	Amount Rs.
05/2012 to 07/2012	52,144/-
01/08/2012 to 25/11/2012	64,845/-

It is submitted by the respondents that nothing is due and payable to the applicant.



3. Heard Sri B. Gurudas, learned counsel for the applicant and Smt. L. Pranathi Reddy, learned counsel for the respondents at length and perused the records.

4. The only contention raised by the applicant is that his case has not been considered for enhancement of subsistence allowance to the tune of 75%. The respondents have duly replied to this contention, stating that they have considered the aspect of enhancement of subsistence allowance but the competent authority found that it is not increasable for the reasons recorded therein.

5. This Tribunal, after going through the records, finds that there is nothing much to be decided once the payments have been made to the applicant and he has duly received the same without any protest. Now, he is estopped from taking further pleas. In view of this, the present Original Application fails and the same is dismissed with no order as to costs.

(ASHISH KALIA)
JUDICIAL MEMBER

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