

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 6th day of February, 2002

Original Application No. 1294 of 2002.

CORAM :-

Hon'ble Mr. Rafiuddin, J.M.

Hon'ble Mr. C.S. Chadha, A.M.

Bhagwan Dass Pathak,  
Son of Shri Shri Nand Ram Pathak  
Resident of Village Saidpur PO-Siadpur,  
District Budaun U.P. presently working  
as Sub Post Master at Saidpur, Distt-Badaun. U.P.  
(Sri R.C. Pathak, Advocate)

.....Applicant

Versus

1. Union of India through the Secretary for Communication, Ministry of Communication, Department of Posts, Dak Bhawan, New Delhi.
2. The Director General Post, Offices of the Directorate General Post, Dak Bhawan, New Delhi-110011.
3. The Chief Post Master General, U.P. Circle, Lucknow.
4. The Director of Accounts (Postal), Office of the Director of Accounts Postal, U.P. Circle, Lucknow.
5. The Post Master General, Bareilly Region, Civil Lines, Bareilly U.P.-243001.
6. The Superintendent Post Offices, Budaun Division, Budaun U.P.-24360.
7. The Post Master Budaun, Head Post Office, Budaun U.P.

(Sri Manoj Kumar, Advocate)

.....Respondents

ORDER (U\_r\_a\_1)

By Hon'ble Mr. Rafiquddin, J.M.

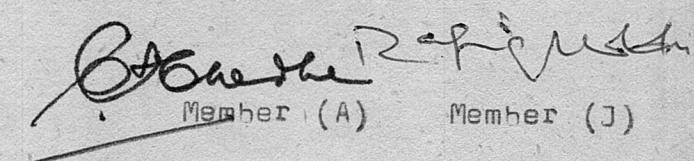
The applicant Sri Bhagwan Dass Pathak, who at the relevant time was posted as Postal Assistant in the Office of Post Master Budaun, has filed this OA for quashing the order dated 26-6-2000 whereby a recovery of Rs.1500/- per month from the pay of the applicant <sup>& ~~be covered~~</sup> has been ordered from September 1997 on the basis of an audit report.

2. It appears from the record that the applicant served in the Indian Air Force from 28-8-1964 to 31-8-1979 and retired on 31-8-1979 as a Corporal). He was granted ordinary pension Rs.172/- p.m. w.e.f. 1-9-1979. Thereafter the applicant was re-employed in the Department of Post w.e.f. 3-12-1981 as Postal Assistant and his pay was fixed at Rs.384/- in the scale of Rs.260-8-300 EB-8-340-10-360-12-420 EB-12-480 by Postmaster Budaun. The applicant has been drawing pay in the scale regularly as per fixation of his pay. It appears that during internal inspection by Director of Accounts (Postal) an audit objection was made regarding fixation of the pay of the applicant. On the basis of audit objection the respondents have deducted the amount of Rs.1500/- per month. According to the applicant the action of the respondents is arbitrary and against the principles of natural justice and the <sup>pay</sup> ~~same~~ cannot be fixed on the basis of simply audit report without affording the applicant a reasonable opportunity to place his views. The applicant also claims that the pay of the applicant has rightly been fixed <sup>R 54</sup> ~~in~~ implementing the policy made by the Government of India communicated vide letter dated 12-3-1993 and 8-4-1993 (Annexures-2 and 4 to the OA).

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3. We have heard counsel for the parties and perused the record carefully.

4. During the course of arguments learned counsel for the respondents pointed out that the matter of the applicant regarding counting of his former service and fixation of pay has been referred to respondent no.2, the Director General Postal, New Delhi by the Postmaster General, Bareilly Region on 2-8-2000 which is still pending for consideration and appropriate orders. Learned counsel for the respondents has therefore submitted that a direction may be issued to respondent no.2 to decide the matter of the applicant within the time fixed by the Tribunal. The counsel for the applicant has also no objection on this point. We accordingly dispose of this OA finally with the direction to the Director General, Post, New Delhi, respondent no.2 to decide the matter of the applicant regarding counting of his previous service and fixation of pay within a period of three months from the date of communication of this order. It is further provided that till any decision is taken by respondent no.2, no recovery shall be made from the salary of the applicant. There shall be no order as to costs.

  
Bhawesh Ranjan Singh  
Member (A) Member (J)

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