

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 2nd DAY OF JANUARY 2003

Original Application No. 50 of 2002

coram:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Mahendra Singh rawat, son of
Sri Umrao Singh Rawat,
Assistant Post Master,
Gopeshwar, Chamoli.

... Applicant

(By Adv: shri B.P.Srivastava)

Versus

1. The Union of India, through
the Secretary, Ministry of
Post and Telegraph, Government
of India, New Delhi.
2. The Superintendent of Post Offices
Chamoli Division, Gopeshwar, Chamoli.
3. Pratap Singh Rana,
Postmaster, rudraprayag,
Chamoli.

... Respondents

(By Adv: Shri R.C.Joshi)

O R D E R (Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 applicant has prayed for a direction to the respondents to pay applicant at par with his junior namely Pratap Singh Rana, who being junior to the applicant is getting higher salary than the applicant. He has also prayed to stop the deduction of Rs 500/- per month from his salary and to refund the amount already deducted.

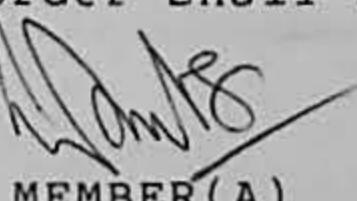
The learned counsel for the applicant has submitted that applicant was awarded a minor punishment by order dated 13.5.1993(Annexure 2) with-holding increment for one year without cumulative effect for dis-obeying the orders. It is submitted that even after the expiry of the period

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of punishment respondents continued to deduct Rs500/- per month from the salary of the applicant. When it was objected by making representation (Annexure 1) applicant has been communicated that the salary and allowances which ~~were~~ paid in excess to him is being recovered in instalments. It is submitted that respondents have not informed in ~~what~~ ^{what} manner the applicant has been paid salary and allowances in excess. He was not given any opportunity at any point of time before passing the direction which is violative of principles of natural justice and the applicant is entitled for relief.

We have considered the submissions. In our opinion, the ends of justice shall be better served if applicant is given a liberty to make a representation before respondent no.2 raising the objection against deduction of the amount. On filing of such objection respondent no.2 shall serve a show cause notice pointing out the amounts which were paid in excess to the applicant. The applicant then shall file his reply. The respondent no.2 thereafter shall pass a detailed and reasoned order within a period of four months from the date a copy of this order is filed. If the objection of the applicant is accepted, the amount deducted from his salary shall be refunded within a month thereafter. Relief no.1 has not been pressed. There will be no order as to costs.

Copy of this order shall be supplied within 48 hours.



MEMBER(A)



VICE CHAIRMAN

Dated: 02.1.2003

Uv/