

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 527 OF 2003

WEDNESDAY, THIS THE 14th DAY OF MAY, 2003

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

Tirath Lal
s/o Late Shri Kalloo,
r/o village Jamui, Post Bargaon,
Saraon, District Allahabad presently
working as Wireman in Post and Telegraph Department
District-Deoria.Applicant

(By Advocate : Shri R.S. Shukla)

V E R S U S

1. Union of India through the Secretary,
Ministry of Communication, New Delhi.
2. Post Master General,
Gorakhpur.
3. Superintendent of Post Officers,
Deoria Division,
Deoria.Respondents

(By Advocate : Shri G. R. Gupta)

O R D E R

By this O.A. filed under section 19 of Administrative Tribunals Act, 1985, the applicant has prayed for quashing the order dated 31.12.2002 by which recovery of Rs.16,257/- has been ordered to be recovered.

2. The applicant is working as Wireman in the respondent's establishment. Respondent No.4 has issued the order of recovery dated 31.12.2002 (Annexure-I Pg.12) by which an amount of Rs.16,257/- is to be recovered from the pay and allowances of the applicant. The applicant is aggrieved with the action

of the respondents. Hence this O.A. has been filed by the applicant. Shri R.S. Shukla, learned counsel for the applicant submitted that the impugned order of the respondents No.4 dated 31.12.2002 is arbitrary and illegal. The applicant has availed the leave due to him as per his entitlement. He fell sick and he has submitted Medical Certificate along-with fitness certificate. However, respondent No.4 has not considered the case of the applicant in proper perspective and has issued an order of recovery. Therefore, the learned counsel for the applicant has prayed that the direction be issued to the respondents not to make any recovery so that his client is not put to avoidable financial hardship.

3. Resisting the claim of the applicant Shri G.R. Gupta additional standing counsel representing the respondents, have submitted that the order of recovery is clear, speaking and no illegality has been committed by the respondent No.4. The over payment made to the applicant is liable to be recovered and therefore, the applicant should have no grievance because he has already received excess money for which he was not entitled. Learned counsel for the respondents also prayed for time to file the Counter Affidavit.

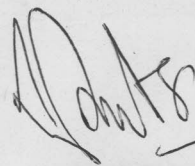
4. I have heard counsel for the parties and perused the pleadings as well. I find that this is a fit case to be decided at the admission stage itself and no useful purpose will be served by giving time to the counsel for the respondents for filing Counter Affidavit.

5. I have perused the order of the respondent No.4 which is annexed as Annexure-I. From perusal of the order it appears that on review the respondent No.4 has held that an amount of Rs.9,934/- w.e.f. 15.05.1995 to 16.08.1998 was over paid due to irregular fixation of pay and an amount of Rs.6323/- represents the over payment of leave salary.

6. In my considered opinion, the ends of justice shall better be served if the applicant makes a detailed representation before the Post Master General, Gorakhpur who should look into various aspects of the case and pass a reasoned and speaking order within ^{the} ~~the~~ specified period.

7. For the reasons stated above, the O.A. is finally disposed off at the admission stage itself with ^a ~~a~~ direction to the applicant to file a detailed representation before respondent No.2 i.e. Post Master General, Gorakhpur within a period of one month from ^{to-} ~~the~~ day. Respondent No.2 i.e. Post Master General, Gorakhpur is directed to decide the representation of the applicant by a reasoned and speaking order within a period of 2 months. ^{from the date of communication of this order} It is also provided that no recovery shall henceforth be made till the representation of the applicant is decided by the respondent No.2.

8. There shall be no order as to costs.



MEMBER (A)

shukla/-