

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 673 OF 2003  
ALLAHABAD THIS THE 24th DAY OF JUNE, 2003

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

Suresh Chandra Gupta,  
son of Sri M. Lal,  
S.P.M. Kotwali Road,  
Fatehgarh, H.O.,  
R/o Village Imatpur,  
P.O. Aligarh,  
District-Farrukhabad. ....Applicant

(By Advocate Shri M.K. Upadhyay)

Versus

1. Union of India,  
through Secretary,  
Ministry of Communication,  
New Delhi.
2. Director Postal Services,  
Office of Post Master General,  
Kanpur.
3. Superintendent of Post Offices,  
Fatehgarh Division,  
Farrukhabad.
4. Post Master,  
Fatehgarh. ....Respondents

(By Advocate Shri G.R. Gupta)



O R D E R

Grievance of the applicant in this case is that without giving any notice to the applicant, respondents ~~started~~ recovery of Rs1000/- from the ~~salary of the~~ pay bill for the month of April, 2003 which is evident from page 14 of the O.A. Therefore, he gave an application to the authorities on 01.05.2003, requesting them to at least give him the order by which recovery is being made so that he may know as to why the said recovery is being made and may make his proper representation against the alleged recovery. Since respondents did not apprise him on any order as to why such recovery <sup>was</sup> ~~has~~ being made, he also gave in writing that he <sup>has</sup> ~~has~~ not <sup>been</sup> taking the salary in spite of this letter. Respondents <sup>or still</sup> did not give any reply to the applicant and again deducted Rs1000/- from his salary bill for the month of May, 2003 which is apparent from page 15 of the O.A. He has, therefore, come to the court with a prayer to direct the respondents not to make any unauthorised deduction from the salary of the applicant with effect from April, 2003. and to disclose <sup>the</sup> reasons for such illegal deductions.

2. I have heard the applicant's counsel and perused the pleadings as well.

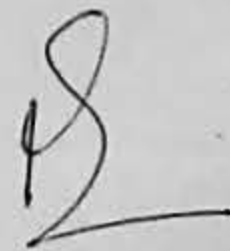
3. The request made by the applicant is absolutely justified as he has a right to know as to why any recovery is being made from his salary. Hon'ble Supreme Court has repeatedly held that even if some wrong payments have been made to any employee, the same cannot be recovered without putting the employee on notice. In the instant case, not only, respondents have started making the recovery without



putting the applicant on notice, but have not even shown him the reasons for <sup>the alleged</sup> illegal deductions or any order so far to explain as to why such recovery is being made. Therefore, I am satisfied that this O.A. can be disposed off at the admission stage itself by giving a direction to the respondents to at least give ~~his~~ proper order to the applicant by which recovery is to be effected against the applicant after giving him due notice so that he may represent against the alleged recovery. This exercise shall be completed by the respondents by giving ~~the~~ reasonable opportunity to the applicant to represent and then should pass a reasoned and speaking order, till such time respondents are restrained from making any recovery from the applicant's salary.

4. Respondents are directed to release full salary of the applicant for the month of April, May and now June 2003 as well. If according to them any recovery <sup>is</sup> ~~are~~ to be made they may do so by following due process of law.

5. With the above directions this O.A. is disposed off at the admission stage itself with no order as to costs.



Member-J

/Neelam/