

111  
S

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH : CUTTACK.**

Original Application No.277 of 1989.

Date of decision : August 9, 1989.

Gebinda Chandra Mohanty, aged about 50 years, son of late Kanhu Charan Mohanty, at present working as Complaint Inspector of Post Offices, Cuttack City Division, At, P.O. and District-Cuttack.

...      Applicant.

Versus

1. Union of India, represented by its Secretary, Department of Posts, Dak Bhavan, New Delhi.
2. Chief Postmaster General, Orissa, At/P.O. Bhubaneswar, Dist-Puri.
3. Senior Superintendent of Post Offices, Cuttack City Division, Cuttack.

...      Respondents.

For the applicant ... M/s. Devanand Misra, Deepak Misra, A. Deo, Advocates.

For the respondents ... Mr. Ganeshwar Rath, Senior Standing Counsel (Central)

C O R A M :

THE HON'BLE MR. B. R. PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

JUDGMENT

B.R.PATEL, VICE-CHAIRMAN, The applicant is at present working as a Complaint Inspector of Post Offices in the Cuttack City Division. Earlier, a departmental proceedings was instituted against him under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, which resulted in his compulsory retirement. The order of compulsory retirement was however challenged by the applicant in Original Application No.137 of 1987 before this Bench . That case was disposed of on 24.12.1987 modifying the penalty to one of withholding three future increments without cumulative effect. As a sequel to the judgment of this Bench the applicant was reinstated in the service on 3.2.1988. During the period from 6.6.1984 i.e. the date of his compulsory retirement till 31.1.1988 the applicant was given pension at the rate admissible. The total amount of pension that he got during this period comes to Rs.26,538.90 paise. Now the Department has ordered recovery of this amount in one instalment vide order dated 1.6.1989 at Annexure-2. The applicant has challenged this order in the present case.

2. We have heard Mr.R.N.Naik, learned counsel for the applicant and Mr.Ganeswar Rath, learned Senior Standing Counsel (Central). Mr.R.N.Naik has submitted that the applicant's pay is about Rs.1700/- per month and it is beyond his capacity to pay this amount in one instalment. He has therefore, prayed that suitable instalments may be fixed in order to enable him to pay off the amount. He has

*lma*

(7)

absolutely no hesitation for paying back the amount. Mr. Rath, on the other hand, contended that as public money is involved and the applicant got this amount, he should ~~in fact~~ pay this amount and moreover concession has been given to him ~~not~~ to charge any interest. Considering the salary of the applicant, we have come to a conclusion that it would be great hardship ~~now~~, impossible on his part to pay ~~the~~ <sup>wf</sup> the entire amount in one instalment. The applicant was being given Rs.326/- per month as pension and Mr. R.N. Naik submitted that the applicant should be asked to pay at this rate till the entire amount is paid off. Mr. Rath however states that it will take a long time and in the meantime the applicant may retire. Considering all aspects we hold that Rs.350/- (Rupees Three hundred fifty) <sup>per month</sup> should be deducted from the salary of the applicant towards repayment of the amount of Rs.26,538.90 paise and we order accordingly.

3. The application is accordingly disposed of leaving the parties to bear their own costs. The stay order gets merged in the judgment.

*.....*  
Vice-Chairman

N. SENGUPTA, MEMBER (J)

I agree.



*.....*  
Member (Judicial)

Central Administrative Tribunal,  
Cuttack Bench, Cuttack.  
August 9, 1989/Sarangi.