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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.
Original Application No. 337 of 1989
Date of decision 25th August, 1989

1. Anadi Charan Nanda, aged 45 years, Postal Assistant,
Keonjhaigagh Head Post Office, Dist. Keonjhar.

... Applicant

-Versus-

1. Union of India, represented by its Secretary,
Department of Posts, Dak Bhawan, New Delhi.
2. Chief Post Master General, Orissa, At/P.O. Bhubaneswar
3. Superintendent of Post Offices, Keonjhar Division,
Keonjhar. Respondents

For the Applicant M/s. S. Kr. Mohanty &
S. P. Mohanty

For the Respondents Mr. Ganeswar Rath, Senior Standing
Counsel (Central).

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C O R A M :

THE HON'BLE MR. B. R. PATEL, VICE-CHAIRMAN
A N D
THE HON'BLE MR. N. SEN GUPTA, 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.

JUDGEMENT :-

B.R.PATEL, VICE-CHAIRMAN,

Briefly stated the facts are that the applicant was compulsorily retired as a measure of penalty imposed on him in a disciplinary proceeding. He, thereafter moved this Tribunal in O.A.No.347/89 challenging the penalty imposed on him. This Bench delivered the judgement in the aforesaid case on 5th April, 1988 setting aside the order of compulsory retirement. As a result of the judgement, the Department reinstated the applicant with effect from 18.5.1988. Before reinstatement the applicant was paid Death-cum-Retirement Gratuity, commutation value, pension and leave encashment details which have been furnished at Annexure-1. The total amount paid to the applicant under the aforesaid heads comes to Rs.49,609.50 paisa. The Superintendent of Post Offices, Keonjhar Division by the order dated 6th July, 1989 (Annexure-2) has asked the applicant to refund the amount of D.C.R.G., Pension and Commutation value immediately. The applicant has moved this Tribunal against this order.

2. We have heard Mr.S.P.Mohanty, learned Counsel for the Applicant and Mr.Ganeswar Rath, learned Senior Standing Counsel (Central) and perused the papers. Mr.Mohanty, has submitted that the applicant is getting a salary of Rs.1200/- per month and being a low-paid Govt.servant he would not be able to pay the whole amount in one instalment. Mr.Ganeswar Rath, Learned Senior Standing Counsel (Central) has contended that the applicant has already got the money for the last 3 years, so he should pay the amount immediately on receipt of the order passed by the Superintendent of Post-Office, Keonjhar Division. After having heard the learned Counsel for both sides we have

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come to the conclusion that the order passed by the Superintendent of Post Offices, Keonjhar Division dated 6th July, 1989 (Annexure-2) for immediate refund of the amount would cause great hard-ship to the applicant and that in view of the low salary it will not be possible for him to pay back the money immediately. The applicant has still 13 years of service before his retirement. He has already got the money for 3 years from 1.5.86 till to-day. We therefore, direct that he should pay the amount in 70 (Seventy) equal monthly instalments, the last being for the balance due then. The case is accordingly disposed of leaving the parties to bear their own costs.

Burdal 25.8.89
VICE-CHAIRMAN

N. SEN GUPTA, MEMBER (JUDICIAL) I agree



Mohapatra
25.8.89
MEMBER (JUDICIAL)

Central Administrative Tribunal
Cuttack Bench
Dated 25th August, 1989/Mohapatra