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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 260/00744 OF 2016
Cuttack, this the 26th day of October, 2016

**CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)**

Sri Potta Srinivas, aged about 38 years, Son of Sri P.S. Demullu, Plot No. 797, near BSNL Tower, Raghunath Nagar, Berhampur-760002, Dist-Ganjam, Odisha, at present working as Data Processing Assistant(DPA), Sub Regional Office, O/o. RPFC-II, Employees' Provident Fund Organisation, Near Payal Talkies, New Bus Stand Road, Berhampur, Dist-Ganjam, Odisha..

...Applicant
(By the Advocate-M/s. K. C. Kanungo, H. V. B. R. K. Dora)

-VERSUS-

Union of India Represented through

1. Central Provident Fund Commissioner, Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Place, New Delhi-110066.
2. Regional Provident Fund Commissioner, Employees'Provident Fund Organisation, Regional Office, Bhavishya Nindi Bhawan, Unit-9 Janapath, Bhubaneswar-751022, Dist-Khurda, Odisha.
3. Regional Provident Fund Commissioner-II, Employees'Provident Fund Organisation, Near Payal Talkies, New Bus Stand road, Berhampur, Dist-Ganjam, Odisha.

...Respondents
By the Advocate- (Mr. S.S.Mohanty)

ORDER (Oral)

A. K.PATNAIK, MEMBER (J):

Heard Mr. K.C. Kanungo, Ld. Counsel appearing for the applicant and Mr. S.S. Mohanty, Ld. ACGSC appearing for the Respondents on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 assailing the Office Memorandum dated 02.03.2016 of the Govt. of India, DOP&T for recovery of wrongful/excess payments made to Government servants and Office Order dated 28.09.2016 (Annexure-A/8) of the excess drawal of pay and allowance

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amounting to Rs.91,666/- to be recovered from the applicant. As a consequence of the said orders the applicant suffers huge financial loss. The grievance of the applicant is that although the applicant preferred representation against the aforesaid Office Order, the impugned order as aforesaid have been issued in the meantime. Mr. Kanungo, Ld. Counsel for the applicant, submitted that after issuance of the impugned order the applicant preferred representation dated 25.08.2016 (Annexure-A/10) before Respondent No.3 but till date no communication has been received from the said Respondent.

3. In view of the above statement that the representation of applicant is still pending consideration, without going into the merit of the matter, I dispose this O.A. at this admission stage with direction to Respondent No.3 to consider the said representation, if so pending, and pass a reasoned and speaking order taking into account the rules and regulations in force and communicate the result thereof to the applicant within a period of three months from the date of receipt of a copy of this order and intimate the same to the applicant. I make it clear that I have not expressed any opinion on the merits of the matter and all the points raised in the said representation are kept open for the authorities to consider as per rules and regulations in force.

4. It is also made clear that no further recovery pursuance to (Annexure-A/8) will be effected from the salary of the applicant for a period of one months from the communication of result of consideration to the applicant.



5. With the aforesaid observation and direction, the O.A. is disposed of being withdrawn. No costs.
6. Copy of this order along with paper book be communicated to Respondent Nos. 2 and 3 by Speed Post at the cost of the applicant for which Mr. Kanungo, Ld. Counsel for the applicant, undertakes to file the postal requisites within a period of one week. Copy of this order be also given to Mr. S.S. Mohantgy, Ld. ACGSC after filing of power.


(A.K.PATNAIK)
MEMBER (J)

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