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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/00565 of 2015
Cuttack, this the 10th day of September, 2015

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (Judl.)
HON'BLE MR. R.C. MISRA, MEMBER (Admn.)

.....

Krushna Chandra Dash,
aged about 57 years,
S/o- Late madhusudann Dash,
At/Po- Bhubanapur, Via-Brahmagiri, Dist-Puri,
Presently working as GDS BPM,
Bhubanapur B.O., Brahmagiri S.O.,
Dist-Puri.

..... Applicant

(By Advocates: Dr. C.R.Mishra, Mr. N.M. Rout)

VERSUS

Union of India Represented through

1. Director General of Posts,
Govt. of India,
Ministry of Communication,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110001.
2. Chief Post Master General,
Odisha Circle, Bhubaneswar,
Dist-Khurda, 751001.
3. Senior Superintendent of Post Offices,
Puri Division,
At/Po/Dist-Puri-752001.
4. Director of Accounts (P),
Mahanadi Vihar,
Cuttack-753004 .
5. Postmaster,
Puri H.O., At/PO/Dist-Puri.

..... Respondents

(Advocate: Mr. C.M.Singh)



ORDER (Oral)

A.K. PATNAIK, MEMBER (J):

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Heard Dr. ~~D.R.~~ Mishra, Ld. Counsel appearing for the Applicant, and Mr. C.M.Singh, 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 challenging the illegal action of the Respondents in recovering an amount of Rs.90,810/- from the TRCA of the applicant from the month of February, 2015 in installment basis without any show cause or without giving opportunity of being heard.

3. Facts of the case in brief are that applicant is presently working as GDS BPM of Bhubanapur, B.O. His grievance is that Respondent No.5 without any notice to the applicant to show cause has effected recovery from TRCA from February, 2015 arbitrarily without even issuing any order to that effect. Aggrieved with the above, applicant submitted a representation dated 10.02.2015 (Annexure-A/3) followed by another representation dated 13.07.2015 (Annexure-A/4) to Respondent No.3 with a prayer not to effect recovery of TRCA from his salary and refund the amount which has already been illegally recovered and for correct fixation of TRCA. Having received no response, he has moved to this Tribunal seeking the following relief

“8.1 That the order of recovery dated 30.01.2015 (A/1) be quashed.

8.2 Direction be issued to the Respondents to refund the recovery amount to the applicant.

8.3 Direction be issued to the Respondents to fix the TRCA of Rs. 4990/- w.e.f. January, 2015.”

8.4any order.....”

Dr. Mishra submitted that as per law the applicant should have

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been granted opportunity of being heard or show cause would have been offered before recovery from the TRCA.

4. In view of the aforesaid facts, as the representations dated 10.02.2015 and 13.07.2015 (Annexure-A/3 and A/4) are still pending with the Respondent No.3, at this stage, we dispose of this O.A. by directing Respondent No.3 to consider and dispose of the said representations vide Annexure-A/3 & A/4 and communicate the result thereof to the applicant by way of a reasoned and speaking order within a period of two months from the date of receipt of copy of this order. However, we have not expressed any opinion on the merit of the matter and the points raised by the applicant in his representations are kept open for the authorities to consider the same as per rules, regulations and law in force. However, If, in the meantime, the said representations have already been disposed of, then the result thereof be communicated to the applicant within a period of four weeks' from the date of receipt of a copy of this order.

5. It is made clear that till December, 2015 no recovery will be effected from the applicant's TRCA.

6. With the aforesaid observation and direction this O.A. is disposed of at the stage of admission itself. No costs.

7. On the prayer made by Dr. C.R.Mishra, Ld. Counsel for the applicant, copy of this order, along with paper books, be sent to Respondent No.3 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 14.09.2015.


(R.C.MISRA)
MEMBER(Admn.)


(A.K.PATNAIK)
MEMBER(Judl.)