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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No.260/00569 of 2015  
Cuttack, this the 3<sup>rd</sup> day of September, 2015

**CORAM**

**HON'BLE MR. A.K. PATNAIK, MEMBER (J)**  
**HON'BLE MR. R.C. MISRA, MEMBER (A)**

Kapileswar Nayak,  
aged about 62 years,  
S/o- Krupasindhu Nayak,  
At/Po-Ganganarayanpur, presently working as GDS MD/MC,  
Ganganarayanpur B.O., i/a - Chandanpur S.O.,  
Dist-Puri.

..... ..Applicant

(By Advocates: Mr. D. P. Dhalsamant, N.M. Rout, Arindam )

**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), Cuttack,  
At/Po-Mahanadi Vihar, Cuttack-753004
5. Postmaster,  
Puri H.O.,  
At/PO/Dist-Puri

..... Respondents

(Advocate: Mr. A. Pradhan )

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**ORDER(Oral)**

**A.K. PATNAIK, MEMBER (J):**

Heard Mr. D.P. Dhalsamant, Ld. Counsel appearing for the Applicant and Mr. A. Pradhan, 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.36,794/- from the TRCA of the applicant from the month of February, 2015 on installment basis without any show cause or <sup>without</sup> ~~without~~ giving opportunity of being heard.

3. Facts of the matter in brief are that applicant is presently working as GDS MD/MC Ganganarayanpur B.O. His grievance is that Respondent No.5 without 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 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

- “i) The order of recovery dated 30.01.15(A/1) be quashed.
- ii) Direction be issued to the respondents to refund the recovered amount to the applicant.
- iii) Direction be issued to the Respondents to fix the TRCA of Rs.5120/- w.e.f. January, 2015.”

Mr. Dhalsamant submitted that as per law the applicant should have 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 representation dated 10.02.2015 (Annexure-A/3) is still pending with the Respondent No.3, at this stage, we

*Alh*

dispose of this O.A. by directing Respondent No.3 to consider and dispose of the said representation vide Annexure-A/3 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 representation 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 representation has 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 to 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 Mr. D.P. Dhalsamant, 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 07.09.2015.

  
(R.C.MISRA)  
MEMBER(A)

  
(A.K.PATNAIK)  
MEMBER(J)