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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.260/00828 of 2015
Cuttack this the 8th day of December, 2015

CORAM
HON'BLE SHRI R.C.MISRA, MEMBER(A)

Harihara Muduli
Aged about 66 years
S/o. late Dhaneswar Muduli
Vill/Post-Bainsiria
Via-Sujanpur
Dist-Jajpur
Retired GDS BPM

...Applicant

By the Advocate(s)-Mr.P.R.J.Dash

-VERSUS-

Union of India represented through

1. The Secretary cum Director General of Posts
Dak Bhawan
Sansad Marg
New Delhi-110 116
2. Chief Post Master General
Odisha Circle
Bhubaneswar
Dist-Khurda-751 001
3. Superintendent of Post Offices
Cuttack North Division
Cuttack-753 001



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By the Advocate(s)-Mr.M.R.Mohanty

ORDER(Oral)

R.C.MISRA, MEMBER(A):

Heard Mr.P.R.J.Dash, learned counsel for the applicant and Mr.M.R.Mohanty, learned ACGSC on the question of admission and perused the records.

2. Applicant is a retired GDS BPM. He has moved this Tribunal challenging the action of res.no.3 in reducing the TRCA and thus effecting recovery therefrom without affording him any reasonable opportunity of being heard.
3. It is the case of the applicant that although the EDSO was downgraded to EDBO with effect from 26.02.2010, but the TRCA received by the applicant was protected and therefore, he continued to draw the same TRCA as before. While the matter stood thus, all on a sudden Rs.3000/- was recovered from the TRCA in February, 2013 and thereafter, @ Rs.740/- per month was recovered from the TRCA from March, 2013 onwards. In the meantime, applicant retired from service on 19.03.2014. Thereafter, applicant submitted representations dated 02.02.2015 and dated 12.02.2015 for refund of the recovered amount from the TRCA which having not been considered, this O.A. has been filed for direction to respondents to refund the amount already recovered from the TRCA with 18% interest.



4. Mr.Dash strenuously urged that the entire action of res.no.3 in the matter of recovery from TRCA has been taken without complying with the principles of natural justice and therefore, the amount already recovered is liable to be ~~refunded~~ to the applicant with the admissible rate of interest.

5. On the other hand, Mr.M.R.Mohanty has no immediate instructions regarding the fate of the aforesaid representations.

6. I have considered the rival submissions. At this stage, without entering into the merit of the matter, I deem it fit and proper to direct respondent no.3 to consider and dispose of the aforesaid representations if pending at his level and communicate the decision thereon to the applicant through a reasoned and speaking order within a period of sixty days from the date of receipt of this order. If it is found that the amount recovered is due to be refundable, the same shall be refunded to the applicant as expeditiously as possible. Ordered accordingly.

7. With the above observation and direction, the O.A. is disposed of. ~~and~~
~~withdrawn~~. No costs.

8. On the prayer made by the learned counsel copy of this order along with paper book of O.A. be sent to res.no.3 at the cost of the applicant for which Mr.P.R.J.Dash undertakes to file the postal requisites by 10.12.2015.



9. Free copy of this order be made over to learned counsel for both the sides.



(R.C.MISRA)
MEMBER(A)

BKS

