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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
CUTTACK BENCH: CUTTACK.
O.A No.260/00/94 of 2016**

In the matter of;

An application under Sec.19 of the
Administrative Tribunals' Act, 1985.

And

In the matter of;

Sri Rajendra Kumar Mohapatra, aged about 45
years, son of Sri Netrananda Mohapatra, of Vill.
Meghe, P.O. Sailo Govindpur, Dist. Cuttack,
presently working as Sorting Asst. in the office of
the Head Record Officer, R.M.S., B.G. Division,
Berhampur-1.

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Applicants

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1. Union of India represented through its Director
General, Department of Posts, Government of
India, Dak Bhawan, New Delhi.
2. Postmaster General, Berhampur Circle,
Berhampur - 761001.
3. Superintendent, Railway Mail Service B.G.
Division, Berhampur-761001.

[Signature]

[Signature]

Rajendra Kumar Mohapatra

22 JUL 2016

4. Head Record Officer, R.M.S., B.G. Division,

Berhampur-761001.

5. Director of Accounts (Postal)
Cuttack-753004.....

Respondents

Ministry of Finance
Government of India



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ORDER (ORAL)
Dated 25.07.2016

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. S.K.Ojha, Ld. Counsel for the Applicant, and Mr. M.R.Mohanty, Ld. Addl. Central Govt. Standing Counsel 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 with the following prayer:-

“(i) To admit the Original Application.

(ii) To quash the office order No. J/Int. Audit/2015., dtd. 28.06.2016 (Annex.A/4) so far as applicant is concerned;

(iii) To pass any other order/orders as deemed fit and proper.....”

3. The case of the applicant in nutshell is that vide Office Order No. J/Int. Audit/2015, dated Behrampur the 28.06.2016 (Annexure-A/4), the Respondent No. 3 has issued order directing recovery of Rs. 50,477/- from the salary of the applicant owing to the objection raised by the Audit as against the LTC availed by the applicant in the year 2014. Mr. Ojha, Ld. Counsel for the applicant, submitted that the applicant was eligible to avail all India L.T.C. and it was duly sanctioned and approved and advance was granted by the competent authority, however, without any rhyme and reason suddenly the order has been passed on 28.06.2016 directing the applicant, who is at Sl. No. 2, to recover the sum of Rs. 50,477/- on the basis of an audit objection. Mr. Ojha submitted that though the applicant was earlier verbally directed to make representation and he made the same on 08.03.2016 to Respondent No.5 justifying the claim made by

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him by pinpointing that no illegality and irregularity has ever been committed by the applicant still then without considering and disposing of the representation, suddenly order under Annexure-A/4 dated 28.06.2016 has been passed, which is nothing but a bolt from blue.

4. Mr. M.R.Mohanty, Ld. ACGSC for the Respondents, submitted that the action of the Respondents cannot be faulted with as the Audit are empowered to find out any illegality and irregularity at any point of time and in such a scenario if any payment has been made to any Government official that can be recovered. However, we find that nothing has been mentioned in the order under Annexure-A/4 regarding consideration or disposal of the representation so preferred by the applicant on 08.03.2016.

5. We are convinced by the arguments advanced by Mr. Ojha.

6. However, as the representation of the applicant is pending consideration, without entering into the merit of this case, we dispose of this O.A at the stage of admission itself by directing Respondent No. 5 to consider the representation dated 08.03.2016, if the same has been preferred and is still pending consideration, as per rules and regulations in force so far as availing LTC by the Govt. of India employee in Postal Department is concerned and communicate the result thereof to the applicant by way of a reasoned and speaking order within a period of 03 months from the date of receipt of a copy of this order. We make it clear that no recovery from the salary of the applicant will be made until the representation is considered and result communicated and for a further period of one month from the date of such consideration. Though we are not entering into the merit of the matter,

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however, we make it clear that all the points raised by the applicant in his representation will be kept open for Respondent No.5 to consider the same as per rules and regulations in force.

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

8. On the prayer made by Mr. Ojha, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent Nos. 4 and 5 by Speed Post for which he undertakes to file the postal requisites by 26.07.2016.

9. Free copy of this order be also given to Mr. M.R.Mohanty for onward transmission to the Respondent-authorities.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)

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