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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00562 OF 2016
Cuttack, this the 18th day of August, 2016

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

Jayanta Kumar Das, aged about 43 years, S/o Late Sikhar Das, At-/P.O.- Paida, Via Tiran, P.S.- Erasama, Dist-Jagatsinghpur, at present working as Asst. Superintendent of Posts(LC), O/o the Chief PMG, Odisha Circle, Bhubaneswar.

.....Applicant

By the Advocate(s)-Mr. T.K. Mandal.

-Versus-

Union of India, represented through

1. Secretary, Deptt. of Post, New Delhi-110001.
2. Director General(Posts), Dak Bhawan, Sansad Marg, New Delhi-110001.
3. Chief Post Master General, Odisha Circle, Odisha, At/Po.- Bhubaneswar, Dist-Khurda-751001.
4. Director of Accounts(Postal), Mahanadi Vihar, Cuttack District, At/P.O/Dist.-Cuttack-753001 .

.....Respondents

By the Advocate(s)- Mr. B. Swain

O R D E R(Oral)

R.C. MISRA, MEMBER (A):

Heard Sri T.K. Mandal, Ld. Counsel appearing for the Applicant and Sri B. Swain, 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. Shri Mandal, submitted that while the applicant was working as Inspector of Posts under Respondents Department his pay was fixed after the acceptance of the recommendation of the 6th Central Pay Commission as per the Central Civil Services(Revised Pay) Rules, 2008 against the pre-Revised scale of Rs.5,500/- . The Respondents authorities have calculated his pay to be fixed at Rs. 13,670/- as per the orders of Chief Post Master General, Odisha Circle, Bhubaneswar(Respondent No.3). The applicant claims that his pays should be fixed at Rs.14,430/- . Applicant is aggrieved by the order dated 02.03.2016 & 30.06.2016 issued at Annexure-A/6 and Annexure-A/8 respectively by which excess payment made is sought to be recovered. It is the case of the applicant that he had submitted a representation dated 20.06.2016 to the Chief Post Master General, Odisha

R.C. MISRA

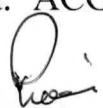
Circle, Bhubaneswar (Respondent No.3). In response to this, Office of Respondent No.3 communicated to the applicant an order dated 15.07.2016 (Annexure-A/9) in which he was intimated that after examination of his case by the DA(P), Cuttack, the Competent authority has rejected his request.

3. On perusal of this order I found this order is a cryptic one and none of the points raised by the applicant in his representation has been dealt with. It is not adequate to say that the case was examined by the DA(P), Cuttack ~~in its proper perspective~~. It is also required to state the details of the examination as per the Rules so that the applicant becomes aware of how his case was examined and if there was any further grievance, he should ventilate the same. That is why whenever representations are made, the competent authorities have to go into the detailed points raised therein and pass a reasoned and speaking order. In the present case, Respondent No.3 has not done so and only directed communication of an order of rejection to the applicant. Therefore, this order dated 15.07.2016 does not stand to the scrutiny of law and at the threshold order dated 15.07.2016 is quashed and set aside. Accordingly, I direct Respondent No.3 to consider all the points raised in the grievance petition of the applicant and take appropriate decision as per Rules and then communicate the decision in a reasoned and speaking order within a period of three months from the date of receipt of copy of this order. **It is also directed that until the matter is decided and decision is communicated to the applicant, there shall be no recovery with regard to any alleged excess payment as per letter dated 02.03.2016 (Annexure-A/6).**

4. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

5. On the prayer made by Sri Mandal, copy of this order, along with paper book, be sent to Respondent Nos.2 & 3 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 22.08.2016.

6. Free copy of this order be made over to Sri B. Swain, Ld. ACGSC appearing for the Respondents.


(R.C.MISRA)
MEMBER(A)