

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00619 OF 2016
Cuttack, this the 14th day of September, 2016

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

Bibhudatta Behera, aged about 43 years, S/o Sri Arjun Charan Behera, resident of At/PO-Charampa, PS-Bhadrak (Rural), Dist-Bhadrak, Odisha, Pin-756101.

.....Applicant

By the Advocate(s)-M/s. C.P. Sahani, P.K. Samal, D.P. Mohapatra

-Versus-

Union of India represented through:

1. Secretary-cum-Director General of Posts, Dak bhawan, Sansad Marg, New Delhi -110116.
2. Chief Post Master General, Odisha Circle, At/P.O.- Bhubaneswar, Dist-Khurda, Odisha-751001.
3. The Director Accounts (Postal), Mahanadi Vihar, Cuttack-753004.

.....Respondents.

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

ORDER (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. C.P. Sahani, Ld. Counsel appearing for the applicant and Mr. 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. This O.A. has been filed by the applicant challenging the arbitrary and illegal reduction of pay and recovery of Rs.62,726/- by the Respondents on the basis of internal audit report without giving him any opportunity of hearing and to show cause.
3. The facts of the case are that on 07.07.1997, applicant joined as Postal Assistant (PA) in the Respondents-Department and got the financial up-gradation to the Grade Pay Rs.2800/- in PB-1 under Modified Assured Career Progression Scheme (MACPS-I) with effect from 01.09.2008.

A.K.PATNAIK, MEMBER (J)

Thereafter on 20.12.2010 the applicant got regular promotion to the cadre of Inspector of Posts (IP) in PB-2 with Grade Pay Rs.4200/- through competitive examination. On 15.07.2016 the Director of Accounts (Postal) in it's Internal Audit Report No. Int. Audit/IR-1191/16-17/894 dated 15.07.2016 (Annexure-A/2) made objection against the grant of 3% fitment benefit at the time of pay fixation of the applicant when he was promoted to Inspector of Posts(IP) cadre. Thereafter on 26.08.2016 the CPMG, Odisha reduced one increment on the basis of Audit report w.e.f. 20.12.2010 with resultant recovery of Rs.62,726/- vide Order No. AP/20-100/2016 dated 26.08.2016 (Annexure-A/3). Being aggrieved, on 29.08.2016 the applicant represented to the CPMG, Odisha (Respondent No.2) against the arbitrary reduction and recovery from the pay praying to restore his pay as it was prior to reduction and to stay the recovery awaiting decision on his representation. Mr. Sahani, Ld. Counsel for the applicant submitted that due to non-consideration of the case of the applicant for the aforesaid relief as claimed by him, the applicant submitted representation dated 29.08.2016 (Annexure-A/4) to Respondent No.2. It has further been submitted that till date no response has been received by the applicant on his representation. Hence this O.A has been filed by the applicant with a prayer for a direction to the respondents to quash the orders dated 15.07.2016 (Annexure-A/2) & 26.08.2016 (Annexure-A/3).

4. Since the representation submitted by the applicant is stated to be pending, without entering into the merit of this case, we dispose of this O.A at the stage of admission by directing Respondent No.2 to consider the representation dated 29.08.2016 (Annexure-A/4), if the same is still pending, as per the extant Rule and communicate the result thereof to the applicant by way of a reasoned/speaking order within a period of 03 (three) months from the date of receipt of copy of this order. If, after such consideration it is found that the applicant is entitled to the relief claimed by him then the same be extended to him within a further period of 03 (three) months from such consideration. Though we have not expressed any opinion on the merit of the matter, we make it clear that all the points raised in the representation will be kept open for the Respondents to be considered as per rules, regulations and law in force. However, it is made clear that if in the meantime the said representation has already been

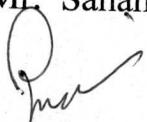


disposed of then the result of the same be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order.

5. We make it clear that no further action in pursuance of Annexure Nos. A/2 & A/3 will be taken by the Respondents for a further period of one month from the date of such consideration.

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

7. On the prayer made by Mr. C.P. Sahani, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No.2 by Speed Post at the cost of the applicant for which Mr. Sahani undertakes to file the postal requisites by 19.09.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)

K.B