

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

**OA No. 240 of 2013
Cuttack, this the 26th day of April, 2013**

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

Sri Biranchi Kumar Mishra,
Aged about 43 years,
Son of Udayanath Mishra,
GDSMD/MC,
AT/Po. Kaibalyapur BO,
Dist. Nayagarh.

....Applicant

(Advocate(s)- Mr.P.K.Padhi, Ms.J.Mishra

-VERSUS-

Union of India represented through –

1. 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. Senior Superintendent of Post Offices,
Puri Division,
At/Po/Dist.Puri-752 001.

.....Respondents

(Advocate (s)-Mr. B.K.Mohapatra)

O R D E R

(Oral)

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

Heard Shri P.K.Padhi, Learned Counsel for the Applicant
and Shri B.K.Mohapatra, Learned Addl. CGSC on whom a copy of
this OA has already been served, appearing for the Respondents and
perused the materials on record.

2. The Applicant has filed this Original Application
challenging the action of the Respondents for making recovery in

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every month from his TRCA without any order or putting him any notice in compliance of principles of natural justice.


3. In this regard, Mr. P.K.Padhi, Learned Counsel for the Applicant has brought to our notice copy of the representation dated 01.3.2013 submitted by him to the Senior Superintendent of Post Offices, Puri Division, Puri/Respondent No.3 at Annexure-A/1 stating therein that recovery from TRCA without any order and putting him any notice is illegal and arbitrary.


On the other hand, Mr. B.K.Mohapatra, Learned Addl. CGSC appearing for the Respondents questioned the maintainability of this OA in absence of any order showing how much amount is ordered to be recovered from the TRCA or the reason thereof. Accordingly, he has prayed to dismiss this OA.

4. On perusal of the representation dated 01.3.2013 at Annexure-A/1 it is seen that the applicant has specifically stated that without any order or prior notice in compliance of principles of natural justice, the Respondents have recovered an amount of Rs.2344/- from the TRCA of the applicant. Mr.Padhi, Learned Counsel for the Applicant submitted that the recovery was also not for any fault of the applicant nor was it by way of any disciplinary proceedings. He has submitted that the applicant is not sure how long such recovery would continue and what is the exact amount to be recovered and for what purpose. But he apprehends further recovery from the TRCA even before taking a decision on the representation of the applicant at Annexure-A/1.

5. In view of the above and as agreed to by Mr.P.K.Padhi, Learned Counsel for the Applicant, without expressing any opinion on the merit of the matter, we dispose of this OA at this admission stage, with direction to Respondent No. 3 to whom the applicant submitted his representation at Annexure-A/1 and is stated to be still pending to consider the same and communicate the decision in a well-reasoned/speaking order to the Applicant within a period of sixty days from the date of receipt of copy of this order and **until then there shall be no further recovery from the TRCA of the applicant.** We also make it clear that on consideration of the representation, as directed above, if it is found that recovery from the TRCA of the applicant is not in accordance with Rules/Law then the same may be refunded to the Applicant forthwith. There shall be no order as to costs.

6. Mr.P.K.Padhi, Learned Counsel for the Applicant prays service of copy of this order along with OA on Respondent No.3 through registry by speed post at his cost for which he undertakes to furnish the postal requisite in course of the day. Prayer allowed.


(R.C.MISRA)
Member (Admn.)


(A.K.PATNAIK)
Member (Judl.)