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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.497 of 2013
Cuttack, this the 4th day of September, 2014

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

Pravat Nayak,
aged about 49 years,
S/o: Late Udayanath Nayak,
Working as GDSMC,
At/Po.-Kajalaipalli B.O.,
Dist-Nayagarh. ....Applicant
(Advocates: M/s- P.K. Padhi, J. Mishra)

VERSUS

Union of India Represented through

1. The Secretary - Cum- Director General of Posts,
   Dak Bhawan, Sansad Marg,
   New Delhi-110 116.
2. Chief Postmaster General,
   Odisha Circle,Bhubaneswar,
   Dist-Khurda-751001.
3. Sr. Superintendent of Post Offices,
   Puri Division,
   At/Po./Dist.-Puri-752001. ..... Respondents
   (Advocate: M/s. S.B. Jena)

ORDER

R.C. MISRA, MEMBER (ADMN.)

Heard Mr. P.K. Padhi, Ld. Counsel appearing for the applicant and Mr. S.B. Jena, Ld. Addl. CGSC appearing for the Respondents and perused the materials placed on record.

2. Applicant in the present case has approached this Tribunal for the second time. In the first round of litigation in O.A. No.239 of 2013, he had challenged the action of the Respondents for effecting recovery from his TRCA every month, without affording him any opportunity to present his case. After hearing, this Tribunal vide order dated 25.04.2013, without expressing any opinion on the merit, disposed of the said matter at the admission stage, with

direction to Respondent No.3 to dispose of the representation which the applicant had submitted to him. In compliance of the order dated 25.04.2013 passed by this Tribunal, the Superintendent of Post Offices, Puri Division had passed an order on 15.07.2013 which is the subject matter of challenge of the present O.A. No.497/2013.

3. On perusal of this order, it is found that the Respondent No.3 has received the order of this Tribunal on 21.05.2013 and in obedience to that order, no recovery has been made from the TRCA of the applicant for the month of May, 2013. It is further mentioned that the Director of Accounts (Postal), Cuttack carried out cent percent verification of TRCA and the overpayments calculated from 01.01.2006 to 30.09.2009 by the Postal Accounts Office and at the time of verification of TRCA of the applicant it was found that Rs.18,504/- (Eighteen thousand five hundred four only) had been recovered from the TRCA of the applicant from January, 2013 and onwards. While such bald statement has been made, no ground has been shown as to why overpayments were detected and on what basis recovery has been effected from the salary of the applicant. Unless the reasons are specifically mentioned, it is not possible for the Tribunal to adjudge the veracity of the action of the Respondents. It is also found that Respondents have not afforded any opportunity to the applicant to submit his case before the speaking order was passed. It is to be mentioned here that in an order like this, explicit ground has to be indicated and only then there can be scope for adjudication. Therefore, I find that the order dated 15.07.2013 is woefully

inadequate and cannot be called a proper order in compliance of the direction of this Tribunal. It is not possible to take any view in the matter unless the Respondents specify the grounds on which they have taken the impugned action.

4. In the counter affidavit also no such ground has been discussed. Mr. S.B. Jena, Ld. Addl. CGSC in course of his argument was directed to obtain instruction from the Department. He only has stated that no notice, no show-cause and no order to the applicant is required before effecting recovery from the TRCA in view of the undertaking given by the applicant vide Annexure-R/6. Even if I take this point into consideration, while the matter is under challenge by the applicant in the Tribunal, the grounds on which the recovery has been made has to be explicitly made clear in the order. Therefore, without wasting any further time, the matter is further remitted to Respondents No.3 for reconsideration in the light of the observation made above and to pass a detailed speaking order on this matter, after hearing the applicant, within a period of 60 (sixty) days from the date of receipt of this order. Ordered accordingly.

5. With the observation and direction as aforesaid, the O.A. is disposed of. No costs.

(R.C. MISRA)
ADMN. MEMBER

K.B