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Prafulla Ku. Nayak Vs. Union of India & Ors.

For Admission No. 4
O.A. No. 74 of 2013
Advocates: M/s. D.P.Dhalsamant & Ors.
Advocates: Mr. U.B.Mohapatra

Order dated: 20.02.2013

CORAM
HON'BLE SHRI A. K. PATNAIK, MEMBER (JUDL.)
&
HON'BLE SHRI R.C.MISHRA, MEMBER (ADMN.)

ORDER(Oral)

MR.A.K.PATNAIK, MEMBER(J):

Heard Mr. D.P.Dhalsamant, Ld. Counsel for the applicant, and Mr. U.B.Mohapatra, Ld. Sr. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served.

2. The applicant has challenged inaction of the Respondents against the several representations made by him from time to time to different authorities ventilating his grievance regarding deduction of Rs. 1000/- per month, which have not been responded to till date.

3. It is submitted by Mr. Dhalsamant, Ld. Counsel for the applicant, which is also evident from the O.A., that vide memo No. CR/RTI-43/11-12 dated 16.02.2012 it was intimated that Rs. 5000/- only was to be recovered as per "AOR" and the said Rs. 5000/- has already been recoverd from the salary of the applicant w.e.f. January 2012 @ Rs.

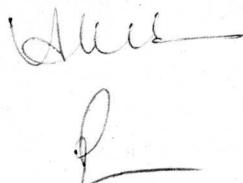
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1000/- per month by May, 2012. Mr. Dhalsamant submitted that even after recovery of total amount of Rs. 5000/- which was due and admissible to be recovered from the applicant, authorities went on recovering Rs. 1000/- till January 2013. However, as a last resort, the applicant made representation to Post Master, Koraput (Respondent No.5) with copy to Respondent Nos. 2, 3 and 4 clearly stating therein that the recovery is illegal, unjust and is creating mental agony as well as financial harassment as the amount to be recovered has already been deducted from the applicant.

4. Mr. Dhalsamant also submitted that information obtained under RTI was crystal clear that the amount was recovered without following of due procedure and against the principle of natural justice.

5. Mr. U.B.Mohapatra, Ld. Sr. Central Govt. Standing Counsel, is not in a position to apprise this Tribunal regarding status of the latest representation made to Respondent Nos. 2, 3, 4 and 5 vide representation dated 02.11.2012.

6. In view of the above, we dispose of this O.A. at this stage with direction to Respondent Nos. 2, 3, 4 and 5 to consider the representation of the applicant made on 02.11.2012 if it is still pending and take a final decision on total amount recovered vis-à-vis total amount due taking into consideration the information obtained through RTI,



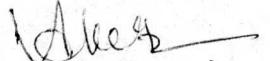
which has been annexed in this O.A., and inform the applicant the result thereof by way of reasoned and speaking order within a period of two months from the date of receipt of copy of this order. Till disposal of the said representation, no further recovery will be made.

7. We make it also clear that if inadvertently some excess amount has been recovered from the applicant, the same be refunded to him within a further period of one month from the date of consideration of the representation.

8. With the aforesaid observation and direction, the O.A. stands disposed of.

9. Copy of this order be transmitted to Respondent Nos. 2, 3, 4 and 5. Free copies of this order be handed over to the Ld. Counsel appearing for both the sides.

(R.C. MISRA)
MEMBER(A)


(A.K. PATNAIK)
MEMBER(J)

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