

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No.803 of 2013  
Cuttack, this the 18<sup>th</sup> day of December, 2014

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

Sri Madanmohan Parida,  
aged about 55 years,  
S/o: Late Hadu Parida,  
At/Po-Parichhala, Via-Begunia,  
Dist-Khurda,  
Working as GDSMC Parichhaia BO.

..... 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: Ms. S. Mohapatra)

**ORDER**

**R.C. MISRA, MEMBER (A)**

Applicant in the present case has approached this Tribunal for direction to be issued to Respondents not to make any recovery and refund the amount already recovered with 18% interest and protect the TRCA.

2. Facts of the matter in brief are that applicant is presently working as GDSMC Parichhala B.O. His grievance is that Respondent No.3 without notice to the applicant to show cause has effected recovery from TRCA from January, 2013 arbitrarily without even issuing any order to that effect. Aggrieved with the above,

applicant put up a representation dated 29.07.2013 to Respondent

No.3 not to effect recovery of TRCA from his salary and having received no response, he has moved to this Tribunal seeking relief as mentioned above.

3. In response to notice Departmental Respondents have filed a detailed counter opposing the prayer of the applicant. It has been submitted by the Respondents that as per Annexure-V of the Postal Director letter dated 09.10.2009, it was instructed to fix the TRCA of all Gramin Dak Sevak with reference to their existing work load, basic TRCA drawn as on 01.01.2006 and cent percent verification of fixation of TRCA shall be carried out by the Circle Postal Account Office. In the above background, Director of Accounts (Postal), instructed to recover the excess paid amount of TRCA in respect of cases where over payments were noticed at the time of cent percent verification of TRCA. It was noticed that an amount of Rs.18015/- had been over paid to the applicant from 01.01.2006 to 30.09.2009 and hence, recovery has been effected as per the instructions of Director Accounts (Postal). It is the further submission of the Respondents that the recovery has been made as per the extent Rules and as per the undertaking submitted and therefore, no show cause was required to be <sup>be</sup> ~~served~~ on the applicant before effecting recovery.

4. Heard Shri P.K. Padhi, learned counsel for the applicant and perused the records. During the course of hearing, Shri Padhi drew my attention to the order of this Tribunal dated 04.09.2014 in

R.  
Ravi

O.A. No.501 of 2013 and submitted that the facts of the present O.A. are covered by the above decision.

5. In this connection, I have gone through the said order of this Tribunal. It reveals that in O.A. No.501/2013, pursuant to earlier direction of this Tribunal in O.A. No.243/13, the Respondents had issued order dated 15.06.2013 which was impugned therein and called in question. Having regard to the facts and circumstances, the Tribunal held as under: "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 15.06.2013 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."

6. The points urged by the Department in the impugned order dated 15.06.2013 were almost the same in the counter-reply to the instant O.A. Therefore, I am of the opinion that the facts of the present O.A. are squarely governed by the decision of this Tribunal in



O. A. NO. 803 OF 2013

M.M. Parida -Vrs- UOI.

O.A. No.501/2013. In consideration of this, I would direct Respondent No.3 to consider the matter in the light of what has been indicated above and pass a detailed speaking order on this matter, after affording an opportunity to the applicant of being heard. It is, however, made clear that the Respondent No.3 while issuing the detailed order, as directed above, shall keep in mind, the grounds on which the recovery has been made. The above exercise shall be completed within a period of sixty days from the date of receipt of this order.

Ordered accordingly.

7. With the above observation and direction, this O.A. is disposed of. No costs.

  
**(R.C. MISRA)**  
**MEMBER (A)**

K.B.