CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 996 OF 2013
Cuttack this the 28th day of March, 2014

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

.....

Gobinda Chandra Sundar Ray,
aged about 64 years,
Son of Late Subala Sundar Ray,
At/Po.- Gadamanitiri, Via- Begunia,
Dist-Khurda, working as GDS BPM,
Gadamanitiri B.O.

...Applicant

(Advocates: Mr. P.K. Padhi, Smt. 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-751001.

3. Sr. Superintendent of Post Offices,
   Puri Division,
   At/Po./Dist-Puri-752001.

... Respondents

(Advocate: Mr. L. Jena)

O R D E R (ORAL)

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

Copy of this OA has been served on Mr. L. Jena, Ld. Addl. CGSC appearing for the Respondents, who accepts notice for all the Respondents in this OA. Registry is directed to serve notice, in terms of sub rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward

transmission. Heard Mr. P.K. Padhi, Learned Counsel for the Applicant, and Mr. L. Jena, Ld. Addl. CGSC appearing for the Respondents, and perused the materials placed on record.

2. This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging the deduction from the TRCA without any order, notice or show cause in compliance of principles of natural justice. Mr. Padhi, Learned Counsel for the Applicant submitted that the Departmental Respondents have subsequently started recovery of the amount from TRCA every month without any order, notice or show cause which violates the principles of natural justice. By drawing our attention to the representation submitted to Respondent No.3 on 05.08.2013, Mr. Padhi submitted that though the said representation was preferred by the applicant on 05.08.2013 till date no response has been received from the Respondents. Mr. Padhi submitted that he will be satisfied if a direction is issued to Respondent No.3 to consider the said representation within a specified time frame and till then there shall be no recovery.

3. Mr. L. Jena, Ld. Addl. CGSC appearing for the Respondents, has no immediate instruction, if any such representation has been preferred by the applicant and the status thereof.

4. Since it is the positive case of the applicant that the representation preferred by him is still pending, without entering into the merit of the matter, we dispose of this O.A. at the stage of admission itself by directing Respondent No.3 to consider the representation dated 05.08.2013 (if the same is received and is still pending) and dispose of the same and communicate the result thereof in a well reasoned order to the

applicant within a period of 60 days from the date of receipt of copy of this order. However, we make it clear that if in the meantime said representation has already been disposed of then the result thereof be communicated to the applicant within two weeks from the date of receipt of copy of this order. Till such time there shall be no further recovery from TRCA of the applicant. No costs.

5. Copy of this order be transmitted to Respondent No. 3 by Speed Post at the cost of the applicant, for which Mr. Padhi, Ld. Counsel for the applicant, undertakes to file the postal requisites by 02.04.2014.

(R.C.MISRA)
MEMBER (Admn.)

(A.K.PATNAIK)
MEMBER(Judl.)

RK