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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. NO. 260/00335 OF 2014
Cuttack this the 26th day of June, 2014

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

.....
Manoranjan Mohapatra,
aged about 54 years,
Son of Srihari Mohapatra,
At/Po.- Ghiakhala, Via- Balugaon,
Dist-Khurda, Odisha-752030.

...Applicant

(Advocates: Mr. P.K. Padhi, Smt. J. Mishra)

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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.
4. Inspector of Post Offices,
Balugaon Sub-Division,
At/PO- Balugaon, Dist-Khurda.

... Respondents

(Advocate: Mr. P.R.J.Dash)

O R D E R (ORAL)

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

Heard Mr. P.K. Padhi, Learned Counsel for the Applicant, and
Mr. P.R.J.Dash, Ld. Addl. CGSC appearing for the Respondents, on whom a
copy of this O.A. has already been served, and perused the materials placed
on record.

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2. This Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying for refund of the amount, recovered from the TRCA of the applicant, with interest. Mr. Padhi, Learned Counsel for the Applicant, submitted that the Departmental Respondents started recovering the amount from the TRCA during 2011-12 without any order, notice or show cause, however, the same was restored in January, 2013. As an interim measure, the applicant has prayed to stay the further recovery from his TRCA. By drawing our attention to the representation submitted to Respondent No.3 on 03.03.2014, Mr. Padhi submitted that though the said representation was preferred by the applicant on 03.03.2014 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 specific time frame and till then there should not be any recovery.

3. Mr. P.R.J.Dash, 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.

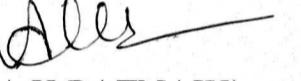
4. Since it is the positive case of the applicant that the representation preferred by him is still pending, without entering into the merit of the matter, we dispose of this O.A. at the stage of admission itself by directing Respondent No.3 to consider the representation dated 03.03.2014 (if the same has been received and is still pending) and dispose of the same communicating the result thereof to the applicant in a well reasoned order within a period of 60 days from the date of receipt of copy of this order. If after such consideration, the applicant is found to be entitled to

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the relief claimed by him then the recovered amount may be refunded within a further period of 90 days. It is further directed that till such time there shall be no further recovery from TRCA of the applicant.

5. As agreed to by the Ld. Counsel for both the sides, copy of this order, along with copy of the O.A., 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 30.06.2014.


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


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

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