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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00 707 OF 2014

Cuttack this the 15th day of October, 2014

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (J)

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

.....

Madhu Sudan Champati,
aged about 38 years,
Son of Dayanidhi Champati,
Of village/PO - Korada,
PS- Nuagaon, Dist- Nayagarh.

...Applicant

(Advocates: Mr. S.K.Pradhan-3)

VERSUS

Union of India Represented through

1. Secretary-cum-Director General of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110116.
2. Chief Post Master General,
Odisha Circle, Bhubaneswar,
Dist- Khordha.
3. Senior Superintendent of Post Offices,
Puri Division,
At/PO/Dist - Puri.

... Respondents

(Advocate: Mr. U.B.Mohapatra)

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ORDER (ORAL)

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

Applicant, stated to have been continuing as GDS MD in Korada Branch of Nuagaon Sub-Post Office of Nayagarh Sub Division of Puri Postal Division, has filed this O.A. with the prayer to allow the O.A. and to direct the Respondents not to make any recovery from his TRCA and refund the amount already recovered with 18% interest and to protect the



TRCA of the applicant and impose exemplary cost and compensation. By way of ad interim prayer he has sought direction to stay the operation of recovery of TRCA till final disposal of the Original Application.

2. Heard Mr. S.K.Pradhan-3, Learned 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, and perused the materials placed on record.

3. We find that in Synopsis of the O.A. the applicant has himself stated that recovery has already been ended on 30.06.2014, therefore, question of staying the recovery does not arise. Accordingly, the first prayer of the applicant for direction to the Respondents not to make any recovery from the TRCA is rejected.

4. Insofar as refund of the amount already recovered from TRCA with interest is concerned, we find that applicant has not placed any material to show that what is the amount which was recovered from his TRCA. If at all some amount was recovered from the applicant's TRCA then instead of rushing to this Tribunal he should have availed of the opportunity available to him by way of making representation. Section 20 of the Administrative Tribunals Act, 1985 provides as under:

"20. Application not to be admitted unless other remedies exhausted -

(1) A Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances.

(2) For the purposes of sub-section (1), a person shall be deemed to have availed of all the

Ld. Sd. Sd.

remedies available to him under the relevant service rules as to redressal of grievances, -

(a) if a final order has been made by the Government or other authority or officer or other person competent to pass such order under such rules, rejecting any appeal preferred or representation made by such person in connection with the grievance; or

(b) where no final order has been made by the Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by such person, if a period of six months from the date on which such appeal was preferred or representation was made has expired.

(3) For the purposes of sub-sections (1) and (2), any remedy available to an applicant by way of submission of a memorial to the President or to the Governor of a State or to any other functionary shall not be deemed to be one of the remedies which are available unless the applicant had elected to submit such memorial."

5. The applicant has not shown any such ground so as to entertain this O.A. ignoring the provisions made under Section 20 of the Administrative Tribunals Act, 1985. Therefore, we are not inclined to entertain this O.A. at this stage. Accordingly, this O.A. is dismissed. There shall be no order as to costs.


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


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