

3

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. NO. 260/000084 OF 2014
Cuttack the 20th day of February, 2014

CORAM

**HON'BLE MR. A.K. PATNAIK, JUDICIAL MEMBER
HON'BLE MR. R. C. MISRA, ADMINISTRATIVE MEMBER**

.....

Chandrakanta Mishra,
aged about 59 years,
Son of Kanduri Mishra,
At/P.O.- Chatrachakada,
Via-Derabish, Dist- Kendrapada
At present working as GDSMC/MD
Chatara Chakada Branch Post Office
In account with Derabih SO, Kendapara.

...Applicant

(Advocates: Mr. T.Rath)

VERSUS

Union of India Represented through

1. Secretary,
Department of Posts, Govt. of India,
Sansad Marg, New Delhi- 110001.
2. Chief Post Master General,
Odisha Circle,
Bhubaneswar, At/PO-Bhubaneswar,
Dist-Khurda- 751001.
3. Sr. Accounts Officer,
In the office of Director of Accounts (Postal) Mahanadi Vihar,
Cuttack-Pin- 753004.
4. Supdt. of Post Offices,
Cuttack North Division,
At- Cantonment Road, Cuttack-753001.
5. Postmaster,
Kendrapada HO,
At/PO/Dist- Kendrapada- 754211.

... Respondents

(Advocate: Mr. G. Singh)

W.A. No. 260/000084 OF 2014

ORDER (ORAL)

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

Copy of this OA has been served on Mr. G. Singh, Ld. Addl. Central Govt. Standing Counsel appearing on behalf of 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. T.Rath, Learned Counsel for the Applicant, and Mr. G.Singh, Ld. ACGSC appearing on behalf of Respondents, and perused the materials placed on record.

2. The instant O.A. has been filed by the applicant challenging the order dated 14.06.2012 passed by Respondent No.3 in which alleged over-payments made to the applicant to the tune of Rs. 12,350/- has been directed to be recovered. Mr. Rath, Ld. Counsel for the applicant, submitted that the applicant has been legally granted the amount and, therefore, at a belated stage the said order of recovery is per se illegal and stating all those points vis-à-vis the rule position the applicant has preferred a representation to CPMG, Odisha Circle, Bhubaneswar (Respondent No.2) through proper channel vide representation dated 21.05.2013 but till date the same has not evoked any response. Mr. Rath submitted that though the amount of Rs. 12,350/- was to be deducted but till date an amount much more than the said amount has already been deducted from the applicant's salary.

3. On the other hand, Mr. G. Singh, Ld. ACGSC, has no immediate instruction that pursuant to the order dated 14.06.2012 instead of Rs. 12,350/- ~~how~~ excess amount has been recovered.

4. Since it is the positive case of the applicant that the representation preferred by him is still pending, without entering into the

V. Alsu

merit of this case, we dispose of this O.A. at the stage of admission itself by directing Respondent No. 2, i.e. CPMG, Odisha Circle, to consider the representation preferred by the applicant on 21.05.2013, if the same has been filed and is still pending, and dispose of the same by way of a well reasoned order and communicate the result thereof to the applicant within a period of 30 days from the date of receipt of copy of this order. If after such consideration it is found that the grounds taken by the applicant ~~are~~ ^{are} ~~R~~ genuine and some erroneous deduction has been made then expeditious steps be taken within one month therefrom to refund those amount, already recovered, to the applicant. It is made clear that till the representation is considered and result communicated to the applicant, no further recovery in respect of the applicant in pursuance of Annexure-A/2 will be made. No costs.

5. Copy of this order be transmitted to Respondent No. 2 by Speed Post at the cost of the applicant, for which Mr. Rath, Ld. Counsel for the applicant, undertakes to file the postal requisites by 21.02.2014.

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

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

RK