

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 132 of 1996.

Present : HON'BLE DR. B.C. SARMA, ADMINISTRATIVE MEMBER.

HON'BLE MR. PARITOSH DUTTA, JUDICIAL MEMBER.

BALARAM DAS

VS.

UNION OF INDIA & ORS. (Post)

For Applicant : Mr. A.C. Dasgupta, Counsel.

For Respondents : Ms. K. Banerjee, Counsel.

Heard on : 30.1.1996.

Ordered on : 30.1.1996.

O R D E R

B.C.Sarma, AM.

The applicant, who is a Postman under the respondents, was placed under suspension following his involvement in a Criminal case. Subsequently, however, he was discharged from the Criminal case and he was also reinstated in service. On 30.6.1992 the respondents have issued an Order to the effect that the period of suspension of the applicant along with two others would be adjusted against the leave due. The respondents have, however, issued a subsequent Order<sup>dt. 8.11.95</sup> to the effect that a sum of Rs. 14,994.85 p. would be recovered from the pay and allowances of the applicant. The applicant contends that the said amount was on account of withdrawal of subsistence allowance during the period of suspension. Being aggrieved by the said Order, the applicant had submitted a series of representations, copies of which have been annexed to the application. The applicant contends

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that the respondents have not yet disposed of those representations ;  
on the contrary, deduction for recovery of <sup>alleged</sup> over-drawal amount has  
already been made since two months. Being aggrieved thereby, the  
instant application has been filed.

2. When the matter was taken up for admission hearing today, Ms. K. Banerjee, 1d. Counsel for the respondents, made her appearance. She submitted that she has not received any instruction from her clients <sup>as to</sup> whether the representations filed by the applicant have since been disposed of or not. However, the learned Counsel for the applicant categorically submitted that none of the representations has been disposed of by the respondents as yet; on the other hand, the authorities have taken certain action which are adverse to the interest of the applicant.

3. In view of the above discussion and taking into consideration the fact that the representations filed by the applicant have not yet been disposed of by the respondents, the application is disposed of at the stage of admission itself with the direction that the respondent no. 2, who is the Senior Superintendent of Post Offices, Central Calcutta Division, Calcutta, shall treat this application as a fresh representation and shall dispose it of within a period of 2 months from the date of communication of this Order. Thereafter, the said respondent shall also pass a speaking order thereon which shall be conveyed to the applicant within a further period of one month. We further direct the said respondent to give a personal hearing to the applicant in the matter before the speaking Order is passed. The respondents are <sup>also</sup> directed not to give effect to the impugned Order dated 8.11.1995, as set out at Annexure A-7 (page-25) to the application, <sup>without disposing of the representation</sup>. Thus, We order that no further deduction for recovery of alleged over payment shall be made with effect from February '96 onwards till the date of representation is disposed of as discussed hereinbefore. We, however, direct <sup>that</sup> the respondents, if the favourable decision is

