

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA No. 111 of 1995

Tuesday, this the 16th day of July, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. V. Rajendran Nair, S/o Velayudhan Pillai,
Extra Departmental Mail Carrier,
Neyyar Dam PO, Valsala Bhavan,
Puthuvaikkal, Kattakkode PO,
Trivandrum District. .. Applicant

By Advocate Mr. MR Rajendran Nair

Versus

1. The Superintendent of Post Offices,
Trivandrum South Division,
Trivandrum-14
2. The Chief Post Master General,
Kerala Circle, Trivandrum.
3. The Union of India represented by
Secretary to Government,
Ministry of Communications,
Department of Posts, New Delhi. .. Respondents

By Advocates Mr. TR Ramachandran Nair, ACGSC
Mr. N. Nagaresh, Amicus Curiae

The application having been heard on 16th July 1996,
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

An Extra Departmental Agent is before us, complaining of reduction of wages from Rs.395/- to Rs.332 Ps.50. He submits that constitutional provisions interdict forced labour, and ensure living wages. The decisions of the Supreme Court in Peoples Union for Democratic Rights & Others Vs. Union of India & Others [AIR 1982 SC 1473], Sanjit Roy Vs. State of Rajasthan [AIR 1983 SC 328], Bandhua Mukti Morcha & Others Vs. Union of

India & Others [AIR 1984 SC 802], and C.E.S.C.Ltd. & Others Vs. Subhash Chandra Bose & Others [1992 (1) SCC 441] are relied on to support these contentions.

2. The Apex Court has held that forcing a citizen to take up employment for wages below the minimum wages, exploiting his economic despondency, would amount to exploitation. The argument advanced by applicant is unexceptionable. However, counsel for respondents submits referring to Annexure R-1(b), that a decision has been taken to restore the emoluments being enjoyed by applicant. In view of this submission, we consider it unnecessary to go into the matter further or issue any direction. However, if the situation is altered to the disadvantage of applicant, he will be free to seek remedies.

3. The only other question for consideration relates to recoveries made. Even a payment wrongly made cannot be recovered, when such wrong payment was not induced by the party. The decision in Shyam Babu Verma & Others Vs. Union of India & Others [1994 (2) SCC 521] is authority for this proposition. Other cases where the Supreme Court interdicted recovery are S.L. Ahmed & Others Vs. Union of India & Others [1982 (2) SCC 458] and Madhya Pradesh Public Service Commission Vs. Navnit Kumar Potdar & Another [AIR 1995 SC 77]. Following the principle in Shyam Babu's case, we direct respondents to release the withheld amount to applicant within one month from today, if it has not already been paid.

4. We allow the application to the extent indicated hereinbefore. Parties will suffer their costs.

Dated the 16th July, 1996

P V Venkatakrishnan

PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

Chettur Sankaranair

CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

LIST OF ANNEXURE

1. Annexure-R1(b): Letter No.EST/66/R10s/90 dated 1.8.94
of Chief Postmaster General Kerala
Circle, Thiruvananthapuram.
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