

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.171/2007
Monday, March 12, 2007

**CORAM :HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER**

A.Abdul Rahiman
Sorting Assistant (BCR),
RMS, Kollam
Residing at 'Reshma Manzil'
Panthrandumury, Thattamala PO, Kollam 20. ... Applicant

By Advocate Mr.Shafik M.A.

V/s.

- 1 Union of India represented by
The Chief Post Master General
Kerala Circle, Trivandrum
- 2 The Senior Superintendent of RMS
Trivandrum Division
Trivandrum.
- 3 The Sub Record Officer
RMS, TV Division, Kollam ... Respondents

By Advocate Mr.S.Abhilash

The application having been heard on 12.3.2007 the Tribunal delivered the following on the same day:

Hon'ble Mrs.Sathi Nair, Vice Chairman

(ORDER)

When the matter came up, the counsel for applicant submitted that the applicant a Sorting Assistant working under the 3rd Respondent had taken two loans from 2 employees Co-operative Societies with a specific agreement that Rs.5380/- and Rs.2000/- plus interest can be deducted from his monthly salary and Rs.9000/- was being deducted from

his monthly salary and ~~Rs.9000/-~~ ² was being deducted from his pay and salary from the year 2004 onwards.

2 In the month of February, 2007 though his signature on the acquittance rolls as a proof for receiving the salary of Rs.12240/- was taken, the respondents did not pay him any amount and he was informed that the entire net salary has been credited towards the loan due to the Society as the applicant only had time till May 2007 for retirement and hence the entire dues to the society have been liquidated.

3 We heard the learned counsel for applicant who submitted that as per the agreement executed with the society agreeing for salary deductions, the drawing officer has a duty to recover the agreed amounts and does not have any power to deny the whole salary and the balance amount if any was to recovered from the retirement dues or as per rules. It is not correct for the respondents to keep back his entire salary towards recoveries without giving some amount for sustenance of the family. He had submitted a representation in this regard vide Annexure A-3 which was also rejected by the third respondent. On a Lawyer's notice being sent vide Annexure A-5, the third respondent has offered him a payment of Rs.1000/-.

4 After going through the record, we are of the view that the action of the respondent withholding the whole salary over looking the means of sustenance of the applicant and his family and also over riding the provision of the undertaking is highly arbitrary and high handed, the applicant has only made a reasonable request of granting him a monthly

salary of Rs.3,240/- after deduction of Rs.9,000/- towards society, for sustenance of his family. We are of the view that the request of the applicant is genuine. We declare that the applicant is entitled to atleast $\frac{1}{3}^{\text{rd}}$ of his salary and direct the 3rd respondent to pay the balance of his salary after deducting Rs.9000/- as dues towards society and such payment shall be continued till the date of his retirement and as assured by the counsel for the applicant, the balance amount can be adjusted from his retirement dues. With this direction the OA is disposed of.

5 Copy of the order be given to the counsel for applicant today itself.


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

abp