

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.No.235/2002

Wednesday this the 26th day of June, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

V.Lalithambal,
Postal Assistant,
Savings Bank Control Organisation,
Kottarakkara.Applicant

(By Advocate Mr. Thomas Mathew)

V.

1. Senior Superintendent of Post Offices,
Quilon Division, Quilon.
2. Assistant Director (Staff)
Office of the Chief Postmaster General,
Kerala Circle, Trivandrum.
3. Union of India, represented by
its Secretary, Department of Posts,
New Delhi.Respondents

(By Advocate Mr.M.R.Suresh)

The application having been heard on 26.6.2002, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

While the applicant was working as Postal Assistant, SBCO, Quilon she was transferred and posted as Postal Assistant, SBCO, Kottarakkara by order dated 14.5.98 (Annexure.A1). Since the applicant on relief on 22.5.98 joined at Kottarakkara on 4.6.98, she was paid Transfer T.A. of Rs. 4883/-. It is alleged that the applicant had changed her residence consequent on the transfer. While so the applicant was served with Annexure.A2 wherein she was told that as per the clarificatory order issued by the Directorate composite transfer grant was admissible only if a change of residence was involved and as enquiry revealed that there

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was no actual change of residence in her case, she was bound to refund a sum of Rs.4883/- she was directed to comply with the direction. She submitted Annexure.A3 representation stating that there was a change of residence and that she was not liable to refund the amount. However, she was served with Annexure.A4 order again directing her to credit Rs.4884/- within ten days. Aggrieved by that the applicant has filed this application seeking to set aside the impugned orders Annexures.A2 and A4. It is alleged that as there was a change of residence without giving the applicant an opportunity to show cause against the proposal to recover the transfer grant given to her, the action on the part of the respondents in directing the applicant to refund the amount is arbitrary, irrational and unjustified.

2. Though the respondents were given time to file a reply statement, the respondents did not file any reply statement. However, the learned counsel of the respondents argued that on enquiry it was revealed that there was no change of residence on her transfer and therefore the payment being irregular, the respondents were right in asking the applicant to refund the amount.

3. I have gone through the application and the materials placed on record and have heard the learned counsel on either side. The transfer grant was paid to the applicant in the year 1998. The Transfer T.A.claim of the applicant should have been ordered in that year after due verification. It is not known how all of a sudden after four years the respondents felt that there was no change in the residence of the applicant on account of her transfer. However, when Annexure.A2 memo was served on the applicant, the applicant in her representation Annexure.A3 stated that there was a change in residence. Without holding an enquiry with which the applicant was not associated, the respondents could not validly have/concluded that the applicant claimed Transfer T.A. without a change of residence. Directing the applicant to

pay a sum of Rs. 4884/- paid four years back is an order which visits her with adverse civil consequences. It is well settled by now that an order which visits a person with adverse civil consequences should not be made without giving that person an opportunity to show cause. That having not done in this case, I am of the considered view that the impugned orders are unsustainable. I, therefore, set aside the impugned orders.

4. The Original Application is allowed. No costs.

Dated the 26th day of June, 2002



A.V. HARIDASAN
VICE CHAIRMAN

(s)

A P P E N D I X

Applicant's Annexures:

1. A-1 : True copy of Memo No. ST/13/15/97-98 dated 14.5.1998.
2. A-2 : True copy of letter E.3/TA dated 11.2.2002 issued by 1st respondent.
3. A-3 : True copy of applicant's representation to the 1st respondent dated 28.2.02.
4. A-4 : True copy of letter No.E3/TA dated 20.3.2002 issued by 1st respondent.

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28.6.02