

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.261/2002

Wednesday this the 26th day of June, 2002

CORAM

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

C.V.Raju,

Inspector of Post Offices (C)

Office of the Senior Superintendent
of Post Offices, Quilon Division.

..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.Rajendrakumar (by Shri Prasanthkumar)

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

The applicant while working as Inspector of

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Post Offices, Kottarakkara was on completion of tenure transferred as Inspector of Post Offices, Quilon by order dated 10.5.2000 (A.1). The applicant was relieved from Kottarakkara on 25.8.2000 and joined at Quilon on the forenoon of 6.9.2000. A sum of Rs. 6392/- was paid to the applicant during September, 2000 towards Transfer T.A. The applicant was served with Annexure.A2 memo dated 2.1.2002 informing him that Transfer Grant was admissible only in case where change of residence actually involved and that as there was no change of residence in the case on his transfer from Kottarakkara to Quilon the payment of Rs.6392/- to him made in the year 2000 was irregular and calling upon him to refund the amount. The applicant did not submit any reply nor did he credit the amount. Therefore, an order dated 25.1.2002 (Anenxure.A3) was issued wherein he was asked to remit the amount within ten days indicating that failure to do so the amount would be recovered from the pay of the applicant for the month of February, 2002. A sum of Rs. 4100/- was already recovered from the applicant and the balance amount of Rs.2,292/- was to be recovered. At this juncture, the applicant filed this application challenging the impugned orders. By an interim order dated 17.4.2002 further recovery was stayed. The respondents were directed to file reply statement but they did not file any reply statement so far.

2. When the matter came up today, Shri Prasanthkumar appearing on behalf of Shri Rajendra Kumar states that he would argue the case on the basis of the materials available and the instructions received. Shri Thomas Mathew, learned counsel of the applicant with considerable tenacity argued that the action on the part of the respondents to recover the Transfer Grant already paid without giving a notice is unsustainable. It is not

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alleged in the application that there has been a change of residence consequent on the transfer. The applicant would not have been entitled to the transfer grant had there not been a change of residence. Even in the application, the applicant does not have a case that there was a change in residence. Therefore, the transfer grant paid to the applicant was actually irregular and not due to him. Under such circumstances, if the respondents issued orders for recovery of the amount to save the public exchequer from him, I am of the considered view that the said action cannot be faulted. No notice is required in such a case of rectification of a mistake. The applicant as a dutyful and responsible government servant is bound to refund the money undeservingly received by him.

3. In the light of what is stated above, the application is dismissed leaving the parties to bear their own 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/4-1/2000 dated 10.5.2000 issued by the 2nd respondent.
2. A-2 : True copy of Order No. E3/TA dated 2.1.2002 issued by 1st respondent.
3. A-3 : True copy of order No. E3/TA dated 25.1.2002 issued by 1st respondent.

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