

**CENTRAL ADMINISTRATIVE TRIBUNAL**

**LUCKNOW BENCH**

Original Application No.372/2008

This the 25<sup>th</sup> day of November 2008

**HON'BLE MR. M. KANTHAIAH, MEMBER (J).**

**HON'BLE DR. A.K. MISHRA, MEMBER (A).**

Mohd. Ibrahim, aged about 64 years, son of Lat Amzad Ali, resident of village Sarkhelpur, Police Station, Kandhai, District Pratapgarh.

...Applicant.

**By Advocate: Shri. Abdul Jabbar.**

Versus.

1. Union of India, through its Secretary, Ministry of Communication (Department of Posts), Dak Bhawan , Sanshad Marg, New Delhi-110001.
2. The Member (P) Postal Services Board, Government of India, Ministry of Communications (Department of Posts) Dak Bhawan, Sanshad Mag, New Delhi-110001.
3. The Director Postal Services Allahabad, P.M.G. Office, Allahabad.
4. The Senior Superintendent of Post Offices, Pratapgarh Division, Pratapgarh.
5. The District Magistrate, Pratapgarh.

...Respondents.

**By Advocate: Shri Rajendra Singh.**

**None for R-5 inspite of issuing notices.**



-2-

**ORDER (Oral)**

**BY HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.**

Heard both the sides.

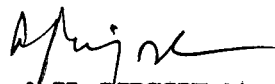
2. It is the case of the applicant that he filed this OA for finalization and fixation of the pension in the present pay-scale from the date of compulsory retirement Dt. 04.05.1984 and for consequential benefits on the ground that his Criminal Appeal No. 2/2007,3/2007,4/2007 <sup>are</sup> allowed and he was acquitted by the judgment Dt. 29.4.2008 on the file of Addl. District and Seccession Judge Court No.5, Pratapgarh. After allowing his criminal appeals, he also filed representation Dt. 18.08.2008 to the Respondent No.4 and the same is still pending and without disposal. It is also the case of the applicant that the respondents have also issued impugned recovery certificate Dt. 11.07.2008 and 4.08.2008 (Ann.2 and 3) through Respondent No.4 for recovery by way of Land Revenue.

3. The respondents counsel submits that that sofar the respondents have not issued any order for recovery of the amount from the applicant and the impugned order Dt. 11.12.2007 & Dt. 04.08.2008 are only the communication between Respondent<sub>s</sub> No.4 and 5 and thus, opposed the claim of the applicant. Counsel also sought time to take instructions from the department, whether there was any appeal filed against the order of Addl. District and Seccession Judge, Pratapgarh.

4. When the representation of the applicants is still pending, giving of any direction allowing the claim of the applicant is not justified at this stage.

R

5. In view of the above circumstances, for the fair and just disposal of the matter, the OA is disposed of with a direction to the Respondent No. 4 to consider the representation of the applicant Dt. 18.08.2008. (Ann-A-9) and pass reasoned order as per rules within a period of one month from the date of receipt of the copy of this order and till that date they are restrained <sup>from</sup> passing any recovery order on the basis of impugned letter Dt. 11.12.2007 & Dt. 04.08.2008. No order as to costs.

  
**(DR. A.K. MISHRA)**  
**MEMBER (A)**

  
**(M. KANTHIAH)**  
**MEMBER (J)**  
25.11.08

Amit/.

OK  
Copy prepared  
today.  
ks  
05/12/08.