

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

O.A. 13/07

Lucknow this the 5th day of January, 2007.

Hon. Mr. M. Kanthaiah, Member (J)

1. Bhartiya Dak Karmchari Sangh Postmen /Group D Uttar Pradesh Circle, G.P.O. Lucknow through Sri K.D. Joshi, Circle Secretary.
2. Raj Kishore Yadav, son of Lalta Parsed Yadav, Postman, G.P.O. Lucknow.

Applicants.

By Advocate Shri Surendran P.

Vs.

1. Union of India through the Secretary, Department of Posts, new Delhi.
2. Director General, Postal Services, New Delhi.
3. Chief Post Master General, U.P. Circle, Lucknow.
4. Chief Post Maser, G.P.O., Lucknow.

Respondents.

By Advocate Shri G.K. Singh for Smt. Manjari Mishra.

Order (Oral)

By Hon. Mr. M. Kanthaiah, Member (J)

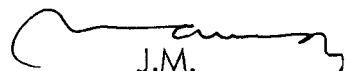
The applicants have filed this O.A. with a prayer to issue directions to the respondents to return back the recovered amount of the members of applicant No. 1.

2. It is the case of the applicants that the respondents have returned back the recovered amounts of members of the two Unions namely National Union of Postal Employees and Group D and National Union of RMS & MMS Employees Mail Guards and Group D and ignored their claim on the basis that they are the members of Bhartiya Dak Karmchari Sangh which is affiliated with the Bhartiya Mazdoor Sangh. The applicants submit that these petitioners who are members of the Union of Bhartiya Dak Karmchari Santh are also entitled to get back the amount recovered from their pay as they are similarly situated with that of two other Unions. They also made

representation dated 1.12.06 (Annexure No.3) justifying their claim basing on the judgment in O.A. No. 690/06 and M.A. No. 564/06 on the file of Principal Bench of the C.A.T. but the respondents have not passed any orders. The applicants also contend that if similar orders are passed the purpose of filing the O.A. would be served.

3. The respondents counsel did not oppose for considering pending representation of the applicants basing on the earlier judgments in O.A. No. 690/06 and M.A. No. 564/06 on the file of Principal Bench of the C.A.T. and treating this O.A. as additional representation.

4. In view of the above circumstances, the O.A. is disposed of at the admission stage with the direction to the respondents in similar lines of O.A. 690/06 to verify from their records whether the applicants have submitted their undertaking in terms of O.M. dated 14.10.1997. Only in that event, they would be entitled to a recovery. If not, the respondents would not give effect to any recovery and the amount, if so recovered shall be refunded to the applicants. The aforesaid action to be taken and completed within a period of 3 months from the date of receipt of a copy of this order by treating this O.A. as additional representation.


J.M.
5.1.07.

Shakeel/