

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.361/2007
This the 28th day of February 2008

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

1. Shyam Sunder Bhattacharya aged about 47 years S/o Sri A.K. Bhattacharya R/o 614/257, Preeti Nagar Dudauli Marg Sitapur Road Lucknow at present working as Group D O/o Director Accounts (Postal) Aliganj, Lucknow.
2. Ram Kishore Maurya aged about 40 years S/o Sri Devi Deen Maurya R/o 547/461, Jalalpur P.O. Rajaji Puram , Lucknow working as Group D O/o Director Accounts (P) Aliganj, Lucknow.
...Applicant.

By Advocate: Shri R.S. Gupta.

Versus.


1. Union of India through the Secretary, Department of Post Dak Bhawan, New Delhi.
2. Chief Postmaster General U.P. Lucknow.
3. Director Accounts (Postal) U.P. Circle Aliganj, Lucknow.
... Respondents.

By Advocate: Shri Vishal Choudhary for Km. Asha Choudhary.

ORDER (Oral)

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

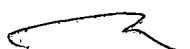
1. Heard Shri R.S. Gupta, the learned counsel for the applicant and Shri Vishal Choudhary for Km. Asha Choudhary, the learned counsel for respondents.
2. It is the case of the applicants that they have challenged the impugned order Annexure-1A dated 13.09.2005 under which, the respondent authorities have reduced the pay of the applicants from



Rs.798/- to Rs.750/- and subsequently, they have also issued recovery order covered under Annexure-1-B Dt. 03.08.2007 in respect of Applicant No.1 and Annexure-1-C Dt. 03.08.2007 in respect of Applicant No.2 for recovery of excess payment at Rs.500/- per month on monthly installments. The applicants have filed the OA to quash the said impugned orders and also to stay the recovery. In spite of several adjournments, the respondents have not filed any Counter Affidavit and as such, the right to file Counter Affidavit is forfeited.

3. In support of the claim of the applicants, they relied on Annexure-10 copy of judgment in O.A.No.135/2000 Dt. 15.12.2003 on the file of Central Administrative Tribunal, Lucknow Bench between Uttam Kumar & Others Vs. Union of India & Others and also Annexure-11 copy of judgment passed in O.A.No.1051/1998 Dt. 10.02.2000 on the file of Central Administrative Tribunal, Hyderabad Bench in the case of K. Rajaiah & Another Vs. Union of India & Others. The applicant counsel also represents that when the respondent authorities have issued the impugned order covered under Annexure-1-A, they have made representations but without considering their justified grounds, they have passed recovery order on the ground of excess payment covered under Annexure-1B and Annexure-1C. The facts relating to the judgments of coordinate benches, on which the applicant counsel relied, covered under Annexure-10 and Annexure-11 are similar with that of present OA and claims are also on same footing.

4. In view of above circumstances, OA is disposed of with a direction to Respondent No.3 to dispose of the claims of the applicants by treating the OA as representation and consider their claims taking



note of judgments passed in O.A.No.135/2000 covered under Annexure-10 Dt. 15.12.2003 on the file of Central Administrative Tribunal, Lucknow Bench between Uttam Kumar & Others Vs. Union of India & Others and also Annexure-11 copy of judgment passed in O.A.No.1051/1998 Dt. 10.02.2000 on the file of Central Administrative Tribunal, Hyderabad Bench between K. Rajaiah & Another Vs. Union of India & Others and pass reasoned order on merits as per the rules and regulations within a period of two months from the date of the receipt of the certified copy of this order. The applicant is also directed to enclose the copies of the said judgments Annexure-10 and Annexure-11 alongwith the copy of this order to Respondent No.3 for consideration of their claims and till the disposal of the claims of the applicants, the impugned order covered under Annexure-A-1A shall remain stayed. No order as to costs.


(M. KANTHAIYAH)
MEMBER (J)

25-02-2008

Ak/.