

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA.

O.A. No. 207 of 1996

DATE OF ORDER : 29.02.2000

Ram Chandra Mishra, son of late Sonu Prasad Mishra, aged 58 years, resident of village Kharauni, P.O. Baijani, P.S. Jagdishpur, District - Bhagalpur, retired Asstt. Postmaster (Accounts), Bhagalpur HO under Bhagal Postal Division.

.....APPLICANT.

By Advocate Shri N.P. Sinha with Shri I.D. Prasad

Versus

1. Union of India through the Director General, Department of Post, New Delhi - 110 001.
2. Chief Postmaster General, Bihar Circle, Patna - 800001.
3. Director of Postal Services, Patna Region, Patna-1.
4. Director of Accounts (postal), Exhibition Road, Patna-1.
5. Superintendent of Post Offices, Bhagalpur Division, Bhagalpur.
6. Head Postmaster, Bhagalpur H.O.

.....RESPONDENTS.

By Advocate Shri V.M.K. Sinha, Sr. Standing Counsel.

C O R A M

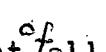
Hon'ble Mr. Justice S. Narayan, Vice-Chairman

Hon'ble Mr. L. Hmingliana, Member (A).

O R D E R

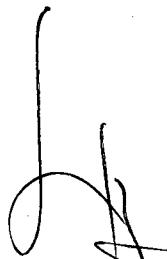
L. Hmingliana, Member (A):- This OA filed by a retired Assistant Postmaster (Accounts) is against the order of recovery of Rs.20,425/- from his DCRG.

2. The applicant retired from government service on superannuation on 29.2.1996. Soon after his retirement, he was informed by telegram dated 14.03.1996 that an amount of Rs. 20,425/- was to be recovered from his DCRG on the ground that his pay fixation with effect from

01.12.1983 in the grade of Accountant, Bhagalpur Head Office was wrong. The wrong pay fixation was said to have been detected by the Internal Check Inspection Party of the office of the Director of Accounts (Postal), Patna which visited Bhagalpur Head Office on 23.12.1992. The audit objection was raised to the effect that because of the wrong pay fixation from 01.12.1983, an over payment amounting to Rs. 20,425/- had been made to the applicant. The impugned order was passed for meeting  the audit objection, and the DCRG of the applicant having been paid, monthly recoveries @ Rs.1541/- were made. The Tribunal granted interim relief on 10.07.1996 for stay of the recovery and for refund  to the applicant  of all the recoveries already made from his monthly pension after he filed the present OA.

3. We need not go into the rationale of the audit objection. We may, however, say that it had something to do with the pay fixation of the applicant in the promoted post. Taking into consideration the special pay of Rs. 45/- he had been drawing in the post of Accountant even after his deputation as Wireless Licence Inspector in a higher pay scale.

4. Had the respondents taken timely action to recover over-payments made to him, it could have been regarded as reasonable. However,   ordering the

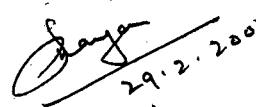


recovery after his retirement on superannuation from the service, after lapse of more than four years from the date ~~the~~ audit objection was raised, and without show cause notice to him is entirely unreasonable, and the impugned order has to be quashed.

5. The application is allowed. The impugned order dated 14.03.1996 is hereby quashed and set aside. The amounts of recovery already made from the pension of the applicant shall be refunded to him within four months from the date of communication ~~to~~ of this order.

There shall be no order as to costs.


(I. HMINGLIANA)
MEMBER (A) 29/3/2002


29/2/2002
(S. NARAYAN)
VICE-CHAIRMAN

/CBS/