

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated:- 30 MAR 1994

APPLICATION NUMBER: 822 of 1993.

APPLICANTS:

Sri.R.Govinda v/s.

RESPONDENTS:

Secretary, Deptt. of Posts, N Delhi & Others.

To.

1. Sri.Sharathchandra, Advocate,
No.5/82, Vishwabharathi Nilaya,
59th Cross, Fourth Block,
Rajajinagar, Bangalore-10.
2. The Post Master General,
Karnataka Region,
Palace Road, Bangalore-1.
3. Sri.M.S.Padmarajaiah, Sr.C.G.S.C.,
High Court Bldg, Bangalore-1.

Subject:- Forwarding of copies of the Orders passed by the
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on 16th March, 1994.

Issued
30/3/94
R.

o/c

S. Shanmugam
for DEPUTY REGISTRAR 30/3
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

APPLICATION NO.822/1993

WEDNESDAY, THE SIXTEENTH DAY OF MARCH, 1994.

Present: Mr. Justice P.K. Shyamsunder, Vice Chairman

Mr. T.V. Ramanan, Member(A)

Shri R. Govinda
S/o. Rangappa
working as Postal Assistant
Chamarajpet Post Office
Bangalore-560 018.

... Applicant

(By Shri R. Sharathchandra, Advocate)

Vs.

1. The Union of India
represented by its Secretary
Department of posts
Govt. of India, New Delhi.
2. The Director General of Posts
Govt. of India
Sancharbhavan, No.20, Ashoka Road
New Delhi.
3. The Post Master General in
Karnataka, Palace Road
Bangalore-560 001.
4. The Senior Superintendent of Post
Offices, Bangalore South Division
Bangalore.
5. The Post Master
Bangalore South
K.R. Road, Bangalore.

... Respondents

(By Shri M.S. padmarajaiah, S.C.G.S.C.)

O R D E R

(Mr. Justice P.K. Shyamsunder, Vice Chairman)

Heard Both sides.

We propose to dispose of this application after admission. The applicant is aggrieved by an order dated 29.10.1992 (Annexure-A1) under which the respondents have directed recovery of a sum of Rs 2,816/- paid to him as incentive bonus. The respondents claim the payment is

made on the basis of an erroneous understanding of the scheme. It is said the payments had been made when the scheme itself was not in operation and therefore, the payments made were subsequently retracted and recoveries ordered. This Tribunal in a similar matter, i.e., in O.A. No.505/1993 disposed of on 23rd August, 1993 held that even if the incentive payment had not been made legally the same cannot be taken away from the employee without following the principles of natural justice by issuing a show cause notice. In that view of the matter an order was made directing the respondents to take steps to observe principle of natural justice by issuing a show cause notice etc. in that context. The Tribunal said "However, on the submission of the learned counsel for the respondents, liberty is given to the respondents that they may issue a show cause notice giving the detailed reasons for the proposed recovery, if they so desire and after receiving the reply of the respondents and making final orders on that take further action if necessary regarding the proposed recovery. The applicant is also at liberty to approach this Tribunal in case he is aggrieved by any such final order consequent on the issue of show cause notice. The application is disposed off as above. No order as to costs".

2. It is not denied that in this case also the position is the same in that recovery is ordered without issuing a show cause notice and therefore, following the earlier judgement, we allow this application and quash the impugned order at Annexure-A1 and direct the Government to issue a show cause notice before taking any action in the matter of recovery. If the applicant is aggrieved by any order made

consequent on the issue of the show cause notice, he will be at liberty to approach us. No costs.

3. We find that an interim order of stay has been passed by us staying the recovery of the amount stated to be over paid to the applicant. The Government will not recover the same without issuing a show cause notice. But in case it has already been recovered, we of do order refund/the said amount.

sd-
(T.V. RAMANAN)
MEMBER(A)

sd-
(P.K. SHYAMSUNDER)
VICE CHAIRMAN

TRUE COPY

S. Shrivastava

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL JUDGE
BANGALORE

30/3

mr.