

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 23 DEC 1994

APPLICATION NO: 1253 of 1994.

APPLICANTS:- Sri.H.S.Vadiraj, Bangalore,
V/S.

RESPONDENTS:- Secretary,Dept of Post, New Delhi and others.

To

1. Sri.R.Sharathchandra, Advocate,
No.5/62, 59th Cross, Fourth Block,
Rajajinagar, Bangalore-560 010.
2. Sri.G.Shanthappa, Addl.C.G.S.C.
High Court Bldg, Bangalore-2.

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.
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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 13-12-1994.

Issued on
93/12/94

for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

O.A. No.1253/94

TUESDAY THIS THE THIRTEENTH DAY OF DECEMBER 1994

Shri Justice P.K. Shyamsundar ... Vice-Chairman

H.S. Vadiraj,
S/o late H. Srinivas,
Working as Sub Post Master,
Bull Temple Road,
Bangalore.560004.

... Applicant

[By Advocate Shri R. Sharat Chandra]

v.

1. The Union of India represented by its Secretary, Department of Posts, New Delhi.
2. The Director General of Posts, Government of India, Sanchar Bhavan, No.20, Ashoka Road, New Delhi.
3. The Post Master General in Karnataka, Palace Road, Bangalore.
4. The Senior Supdt. of Posts, Bangalore South Division, Bangalore.
5. The Post Master, Bangalore South Range, Bangalore. ... Respondents

[By Advocate Shri G. Shanthappa ...
Addl. Standing Counsel for Central Govt.]

O R D E R

Shri Justice P.K. Shyamsundar, Vice-Chairman:

1. This application is against an order passed by the Post Master General, directing recovery of a sum of Rs.2836/- paid to the applicant as incentive amount for booking mail and goods by working on the registrex machine. It is not in dispute that the incentive



scheme for working on registrex machine regards booking of mail and goods was brought into force in the year 1985 with an outer limit of a 12 month period.

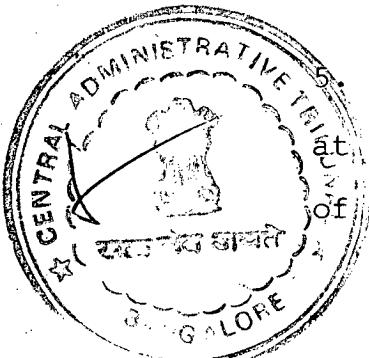
2. It is now pointed out that though the aforesaid period of 12 months expired, nonetheless the applicant continued to book parcels by working on the registrex machine and was given the incentive and has been paid for the period from 1.1.1986 to 31.5.1987 although the scheme itself had come to naught and thus the requirement of registrex machine booking of mail and parcels having been stopped the applicant was not entitled to the incentive given for the said period was treated being as irregular payment and was ordered to be recovered. An order made in that behalf earlier was successfully challenged before this Tribunal resulting it being set aside with a direction to the department to issue a show cause notice before taking any further steps in the matter of recovery of the alleged irregular payment of incentive.

3. It now transpires that the department issued a show cause notice to which the applicant responded and on the basis of the response the department has now passed an order as per Annexure A-1 pointing out that payment of incentive for the period 1.1.1986 to 31.5.1987 being not valid because the incentive scheme itself had come to an end after 31.12.1985 and, therefore, payment made to the applicant based on the incentive scheme was irregular and hence recovery.



4. What becomes obvious is that granting the incentive scheme which did involve extra work in operating the registrex machine has become honest after the scheme was terminated and, therefore, the department should have directed the applicant straightaway not to work on the registrex machine but to revert back to the original mode of booking letters and parcels. Apparently that was not done and it is nobody's case that the department directed the applicant not to work on the registrex machine as the incentive scheme had come to an end. It is not denied that the booking of mail and parcels by operating the registrex machine involved extra work and admittedly the applicant had done this work for the period 1.1.1986 to 31.5.1987 blissfully ignorant of the fact that the incentive scheme was no longer current. It is nobody's case that the applicant was told about the termination of the scheme. The position is the applicant did the extra work although he was not liable. He had apparently been paid for the extra work done and now it is too late for the department to assert that the money paid to the applicant by way of incentive was not due because the scheme itself had become extinct and is, therefore, liable to return the money paid by the department as incentive.

5. I fail to understand the logic of this stand at all. It is common ground that after the termination of the scheme the applicant was not obliged to work



on the registrex machine which did involve extra work in addition to his own. It is the duty of the department to have directed the applicant not to work on the registrex machine since the scheme was no longer in force and also tell him that even if he did any work on the machine he will not be given any extra remuneration. Having not chosen to follow either course it is not now open to the department to retrace its steps and on the other hand having paid the incentive amount to the applicant for doing extra work it is not only open to the department to recall the benefit that had accrued to the applicant and as a matter of fact the applicant having legally earned the same by doing extra work, the department is clearly estopped from assuming a contrary posture by asking him to refund the money earned by doing extra work. All this seems to be most unjust and improper. In that view of the matter I allow this application and quash the impugned order Annexure A-1 and restrain the department from making any recovery of the incentive amount paid to the applicant for the period 1.1.1986 to 31.5.1987. No costs.

Sd/-

VICE-CHAIRMAN

TRUE COPY

Section Officer

Central Administrative Tribunal

Bangalore Bench

Bangalore

bsv

