

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. : 742/97

Date of Decision : 14.6.2001

A.N.Gothankar \_\_\_\_\_ Applicant

Shri S.P.Kulkarni \_\_\_\_\_ Advocate for the  
Applicant.

VERSUS

Union of India & Ors. \_\_\_\_\_ Respondents

Shri S.S.Karkera for  
Shri P.M.Pradhan \_\_\_\_\_ Advocate for the  
Respondents

CORAM :

The Hon'ble Shri S.L.Jain, Member (J)

The Hon'ble Shri Govindan S. Tampli, Member (A)

(i) To be referred to the reporter or not ? No .  
(ii) Whether it needs to be circulated to other No  
Benches of the Tribunal ?  
(iii) Library No .

*S.L.JAIN*  
(S.L.JAIN)  
MEMBER (J)

mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA. NO. 742/97

Thursday this the 14th day of June, 2001.

CORAM : Hon'ble Shri S.L.Jain, Member (J)

Hon'ble Shri Govindan S. Tampi, Member (A)

Ankush Narayan Gothankar,  
Counter Clerk (Coupon)(Adhoc),  
Departmental Canteen,  
Mumbai R.M.S. Canteen Building  
in G.P.O. Bldg.Compound,  
Near C.S.T. Railway Station,  
Fort, Mumbai.

...Applicant

By Advocate Shri S.P.Kulkarni

vs.

1. Union of India through  
Senior Supdt.of Railway,  
Mail Service, Mumbai Sorting  
Division, Near Phule Market,  
Dev-Bank Building,  
Palton Road, Mumbai.

2. Chief Postmaster General,  
Maharashtra Circle, Old G.P.O.Bldg.,  
2nd Floor, Near C.S.T.Railway Stn.,  
Fort, Mumbai.

3. Member (Personnel),  
Office of the Director  
General (Posts),  
Department of Posts,  
Ministry of Communication,  
Dak Bhawan, Parliament Street,  
New Delhi.

...Respondents

By Advocate Shri S.S.Karkera  
for Shri P.M.Pradhan

*S:159m*

..2/-

O R D E R (ORAL)

{Per : Shri S.L.Jain, Member (J)}

This is an application under Section 19 of the Administrative Tribunals Act, 1985 seeking the reliefs as mentioned in Para 8 (a) to 8 (g). At the commencement of the hearing, the learned counsel for the applicant stated that he is pressing only relief mentioned at Para 8 (e) which is as under :-

" 8 (e) Direct respondents not to recover the Pay and Allowances already paid to the applicant (i.e. upto 31.8.1997) even if the Order of Promotion - since 10.2.1995 is held as unsustainable."

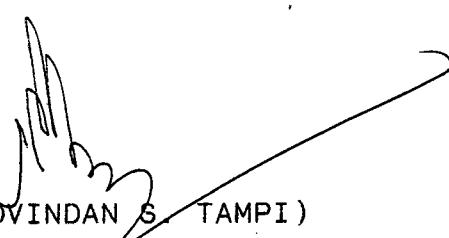
2. The learned counsel for the applicant has drawn our attention to Annexure-'A-2' order dated 5/19.6.1997 by which the applicant is allowed to officiate as Coupon Clerk w.e.f. 10.2.1995 in the scale of Rs.825-15-900-20-1200 vice Shri S.J.Lotenkar expired on purely temporary and adhoc basis. Vide impugned order dated 28.8.1997 (Annexure-'A-1') the said order is withdrawn as irregular one. The learned counsel for the respondents stated that on account of ban this order has been passed. The fact remains that the applicant has worked for the period w.e.f. 10.2.1995 till 28.8.1997 as Coupon Clerk. A person cannot be deprived of his emoluments if he has worked on the said post.

*PLW* —

As the applicant is entitled to the emoluments as Coupon Clerk, the respondents are not entitled to recover the pay and allowances already paid to the applicant. notice.

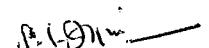
3. The respondents' counsel stated that no recovery has been made in this respect. However, the applicant and the respondents can check the accounts and if any recovery is made, the applicant shall be entitled to receive the same in this respect.

4. In the result, OA. is partly allowed. The respondents are ordered not to recover the pay and allowances already paid to the applicant as Coupon Clerk and if any recovery is made in this respect, the applicant shall be entitled for the same. No order as to costs.



(GOVINDAN S. TAMPI)

MEMBER (A)



(S.L.JAIN)

MEMBER (J)

mrj.