

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 259/98

Date of Decision: 7.12.98

Shri Dilip Shankar Sabne and others. Applicant.

Shri S.P. Kulkarni.

Advocate for  
Applicant.

Versus

Union of India and others.

Respondent(s)

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

Advocate for  
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G. Vaidyanatha, Vice Chairman.

Hon'ble Shri. D.S. Bawej, Member (A)

(1) To be referred to the Reporter or not? *✓✓*

(2) Whether it needs to be circulated to  
other Benches of the Tribunal? *✓✓*

*R.G. Vaidyanatha*  
(R.G. Vaidyanatha)  
Vice Chairman

NS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH 'GULESTAN' BUILDING NO:6  
PRESCOT ROAD, BOMBAY:1

Original Application No. 259/98.

Monday the 7th day of December 1998.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri D.S. Bawej, Member (A).

Dilip Shankar Sabne  
Residing at 1924,  
Sadashiv Peth, Pune.

Mrs. Sunita Satish Mulay  
Residing at Flat No.5,  
Suvidha Apartment,  
Near Canara Bank,  
Biburwadi, Pune.

Janrao Govind Ranu  
Residing at 5/52,  
P & T Colony,  
Old Gultekadi, Pune.

Mangesh Moreshwar Subandh  
Residing at A & P Ale,  
Tal. Junner District,  
Pune.

... Applicants.

By Advocate Shri S.P. Kulkarni.

V/s.

Union of India through  
Senior Superintendent of Post  
Offices, (Pune City East Division  
Marketing Yard Post office  
at P.O. Pune.

Postmaster General  
Pune Region,  
At P.O. Pune.

Chief Postmaster General  
Maharashtra Circle,  
Old G.P.O. Building, Fort  
Mumbai.

The Director General (Posts)  
Department of Posts,  
Ministry of Communication,  
Government of India,  
Dak Bhavan, 20 - Asoka Road,  
New Delhi.

Director Postal Audit and  
Accounts, Nagpur.

Deputy Director General (Medical)  
South Central Region (P & T)  
Office of the Chief PMG  
Andhra Pradesh Circle,  
Hyderabad.

...2...



Director General Posts and  
Telegraphs (Medical)  
Officer's quarters  
5/3 GGO Compound  
Mall Road, P.O. AGRA (UP)

... Respondents.

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

O R D E R (ORAL)

( Per Shri Justice R.G. Vaidyanatha, Vice Chairman )

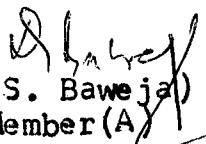
This is an application filed by the applicants challenging the order dated 1.10.1997, under which the pay of the applicant was fixed in lower grade and then recovery is ordered for the excess amount said to have been paid to the applicants. The applicants are challenging the correctness and legality of the order.

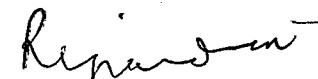
2. We have heard the learned counsel for both the sides regarding admission.

3. The applicants are challenging the legality and validity of the order dated 1.10.1997 and the order is passed without hearing the applicants. The learned counsel for the respondents submits that the department has no objection to issue show cause notice to the applicants and then pass an appropriate order according to rules. In our view this stand of the respondents is justified, in the facts and circumstances of the case. Hence without going to the merits of the case we feel that it is a fit case where the application can be disposed of at the admission stage with a suitable direction to the respondents.

4. In the result the O.A. is disposed of at the admission stage by giving a direction to the respondents not to take any action in pursuance of the order dated 1.10.97. It is open to the

respondents to issue show cause notice to the applicants on the question of fixation of their pay and also regarding the alleged recovery of excess amount said to have been recovered from the applicants. After issue of show cause notice to the applicants and considering their reply the respondents may pass an appropriate order regarding fixation of pay and if necessary regarding recovery of excess amount, if any, said to have been paid to the applicants. Needless to say that if the applicants are aggrieved by the order of the respondents they may challenge the same according to law. All questions on merits are left open. No costs.

  
(D.S. Bawej)  
Member (A)

  
(R.G. Vaidyanatha)  
Vice Chairman

NS