

(27)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A.No.742/89

Date of Order: 10.6.1992

BETWEEN :

Smt B.Bhanumathi

.. Applicant.

A N D

1. Union of India rep. by
Director General, Posts,
New Delhi - 110 001.

2. The Additional Post
Master General,
Dept. of Posts,
Vijayawada - 520 002.

3. The Sr. Superintendent of Posts,
Depr. of Posts, Tenali,
Guntur District.

.. Respondents.

Counsel for the Applicant

.. Mr. J.V.Lakshamana Rao

Counsel for the Respondents

.. Mr.N.Bhaskara Rao ~~Advocate~~

COURT:

HON'BLE SHRI A.B.GORTHI, MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

(Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member (Admn.)).

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(28)

The applicant is the widow of Sri B.Kesava Rao, an employee of the Department of Posts, stationed at Tenali. The grievance of the applicant is that the respondents have improperly withheld sum of Rs.4,000/- from the D.C.R.G. payable to her on the death of her husband.

2. Sri B.Kesava Rao drew an advance of Rs.4,000/- on account of L.T.C. for the block years 1982-85 stating that he and his family proposed to visit Srinagar. He was said to have gone to Srinagar during the period from 23.5.1982 to 28.6.1982 in a Tourist Bus No.TMN-8139. After having returned, he submitted his L.T.C. claim for a sum of Rs. 6,250. The claim was rejected on the ground that Sri B.Kesava Rao did not perform the said journey. Accordingly, the respondents deducted Rs.4,000/- which was the amount given to B.Kesava Rao as L.T.C. advance, from the D.C.R.G. payable to the applicant.

3. The afores-stated facts do not seem to be in dispute. Learned counsel for the applicant has contended that Sri B.Kesava Rao and family did perform the journey as stated in the leave travel claim and therefore, the respondents' action to deduct the advance amount of Rs.4,000/- from the D.C.R.G. is illegal. Sri Kesava Rao expired on 16.4.1984 and any enquiry held by the respondents, in which Sri B.Kesava Rao did not have an opportunity to explain his case, would be meaningless. Learned counsel for the respondents brought out that the enquiry conducted by the respondents revealed that although one Sri G.V.Tilak issued a cash receipt on behalf of Sri Swayam Bhuvaneswari Lalithamba Yatra Special for a sum of Rs.6,250/-, the owner of the bus Sri K.Nagaiah denied any knowledge of the said cash receipt.

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Copy to:-

1. Director General, Posts, Union of India, New Delhi.
2. The Additional Post Master General, Department of Posts, Vijayawada-520 002.
3. The Senior Superintendent of Posts, Department of Posts Tenali, Guntur District.
4. One copy to Sri. J.V.Lakshmana Rao, advocate, Flat No.301, Balaji towersk, Bakaram, Hyderabad-500 380.
5. One copy to Sri. N.Bhaskara Rao, Addl. CGSC, CAT, Hyd.
6. One copy to Hon'ble Mr. T.Chandra Sekhar Reddy, Judicial Member, CAT, Hyd.
7. One spare copy. *to be sent*
8. One copy.

Rsm/-

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Permit issued by R.T.A. Krishna, Vijayawada was for the period from 23.5.1982 to 21.6.1982 whereas Sri Kesava Rao was stated to have performed the journey from 23.5.1982 to 28.6.1982.

4. The respondents have stated in the counter that L.T.C. claim of Sri B.Kesava Rao was finally rejected on 15.3.1986, i.e., almost 2 years after his death. It is also apparent that Sri B.Kesava Rao was not associated to any manner with the investigation/enquiry that was being made by the respondents. Even the so called enquiry would only reveal that there were some discrepancies with regard to the special permit etc., but it cannot be said that the enquiry conclusively established the falsity in the L.T.C. claim. Under these circumstances we are of the opinion that the respondents' action to deduct the sum of Rs.4,000 from the D.C.R.G. due to the applicant is illegal, being violative of the principles of natural justice.

5. In the result, the application is allowed. We direct the respondents to pay a sum of Rs.4,000/- together with interest at the rate of 10% per annum from the date on which the payment became due till the actual date of payment. The respondents shall comply with this order within 3 months from the date of the communication of this order.

There shall be no order as to costs.

transcript

(A.B.GONTHI)
Member (Admn.)

T. Chandrasekhar Reddy

(T.CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 10th June, 1992

(Dictated in the Open Court)

SP/192
Deputy Registrar(Judl)

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019-742/87

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

THE HON'BLE MR. A.B. Gorai

V.C.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :
MEMBER (JUDL)

AND

THE HON'BLE MR. C.J. ROY : MEMBER (JUDL)

Dated: 10/6/1992.

ORDER / JUDGMENT

R.A./C.A./M.A. No.

O.A. No.

in
742/89

T.A. No.

(W.P. No.)

Admitted / and interim directions
issued

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/Rejected.

No order as to costs.

pvm.

