

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO.855 of 1995.

Between

B.V.CH.Babu Rao

Dated: 4.9.1995.

... Applicant

And

Union of India represented by:

1. Chief Post Master General, A.P.Circle, Hyderabad.
2. The Director of Post Offices, O/O Post Master General, Vijayawada.
3. Senior Superintendent of Post Offices, Prakasam Division, Ongole.
4. The Post Master, Ongole Head Office, Ongole.

... Respondents

Counsel for the Applicant : Sri. K.S.R.Amjaneyulu

Counsel for the Respondents : Sri. N.V.Raghava Reddy, SC for Rlys

CORAM:

Hon'ble Mr. A.B.Gerthi, Administrative Member

Contd:...2/-

D.A. 855/95.

Dt. of Decision : 04-09-95.

ORDER

As per Hon'ble Shri A.B. Gorthi, Member (Admn.)

The applicant is <sup>an</sup> Extra Departmental Mail Carrier-cum-Delivery Agent attached to Mynampadu Branch Post Office. He joined department on 16-06-1988 and was ~~being~~ paid allowances at the rate of Rs. 420/- per month. Vide impugned order dated 02-12-1993 the respondents revised the monthly allowances to Rs. 278+CMA and further directed recovery of excess amount of allowances paid to the applicant from the date of his initial appointment. Aggrieved by the same he ~~came~~ up with this OA praying the impugned order be set-aside and that ~~the~~ amount sought to be recovered ~~be~~ refunded.

2. When the OA came up for admission the respondents were given an interim direction ~~to~~ not to effect recovery from the applicant.

3. Shri K.S.R. Anjaneyulu, learned counsel for the ~~applicant~~ has drawn my attention to the judgement of the Madras Bench of the Tribunal in National Union of Extra Departmental Agents and Another Versus Union of India, 1993 (25) ATC 535 and Mr. T. Kanniappan Versus Union of India, 1993 (25) ATC 655. The said judgements of the Madras Bench of the Tribunal were followed by this Bench of this Tribunal in OA. 758/95; wherein the following directions are given to the respondents:-

- "(a) The revised allowance shall take effect from the date of issue of the impugned order.
- (b) The amount, if any, recovered before the date of issue of the impugned order shall be refunded ~~to~~ the applicant within three months from the date of receipt of a copy of the order".

:4 :

Copy to:-

1. Chief Post Master General, A.P.Circle, Hyderabad.
2. The Director of Post Offices, O/O Post Master General, Vijayawada.
3. Senior Superintendent of Post Offices, Prakasam Division, Ongole.
4. The Post Master, Ongole Head Office, Ongole.
5. One copy to Sri. K.S.R.Anjaneyulu, advocate, CAT, Hyd.
6. One copy to Sri. N.V.Raghava Reddy, SC for Rlys, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

4. As this case is covered by similar cases decided by Tribunal, the OA is being disposed of, although the respondents have not filed reply. ~~But we have heard~~ <sup>was heard</sup> Shri N.V.Raghava Reddy, learned counsel for the respondents at length.

5. Learned counsel for the applicant stated that the impugned order ~~not only~~ is in violation of principles of natural justice, ~~but~~ also harsh and unjust. The applicant is poorly paid employee whose salary is ~~is a lower~~ <sup>less</sup> than that of a regular Group-D (Class-IV) employee of the Government. The allowances received by the applicant were naturally consumed during the period from 1988 to 1993. ~~But~~ <sup>By</sup> effecting a recovery of about Rs. 100/- per month, the applicant would be left with hardly any salary to sustain his family. It is also an admitted fact that the mistake, if any, was committed by the respondents only and as such the employee should not be made to suffer. For this reason, ~~also~~ I am inclined to agree with the plea putforward by the applicant's counsel that recovery of excess amount of allowances paid to the applicant should not be made with retrospective effect.

6. As the applicant before me is similarly situated as those in OA.758/95, this OA is also allowed with a direction to the respondents to give the applicant the same relief as has been given to the applicants in OA.758/95.

7. The OA is ordered accordingly. No costs.

*transcript*  
(A.B. Gorha)  
Member (Admn.)

Dated : The 4th September 1995.  
(Dictated in Open Court)

*Arif Ali*  
Dy. Registrar (3).

OA 855/95

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. A. B. GORTHI, ADMINISTRATIVE MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT:

DATED: 4/9/1995.

M.A./R.A./C.A.NO.

IN

O.A.NO.

855/95

T.A.NO.

(W.P.NO.)

ADMITTED AND INTERIM DIRECTIONS ISSUED.

ALLOWED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

DISMISSED FOR DEFAULT.

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

Rsm/

