

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1158/95

Date of Order: 26.3.96

BETWEEN:

Sri N.Swamiji

.. Applicant.

A N D

1. The Director of Accounts(Postal),
Station Road, Abids, Hyderabad.
2. The Supdt. of Post Offices,
Vizianagaram.
3. The Director-General, Department of
Posts, Dak Bhavan, Sansad Marg,
New Delhi.

.. Respondents

Counsel for the Applicant

.. Mr.Krishna Devan

Counsel for the Respondents

.. Mr.K.Bhaskara Rao

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

(27)

O.A.No.1158/95

Date of Order: 26.3.96

J U D G E M E N T

X As per Hon'ble Shri R.Rangarajan, Member(Admn.) X

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The applicant, when he was promoted from the post of Accountant to the cadre of Assistant Postmaster, Vizianagaram Head Post Office, Vizianagaram division on 15.4.89 his pay in the grade of Rs.1400-2300 ^{was fixed} following the Rule FR 22 'C'. Subsequently ~~later~~ he was informed by the impugned order No. 3/Admn.II/SA.II/JAO/N.S. dated 4.5.92 that his pay was fixed earlier has to be broughtdown and the over payment resulted by earlier fixation has to be recovered. This OA is filed for setting aside the impugned order dated 4.5.92 by declaring that the applicant is entitled for fixation of pay on the basis of the Rule FR 22 'C' on promotion from Accountant to that of Assistant PostMaster (Accounts) from 15.4.89 and for a consequential direction to the respondents to refund Rs.3,568/- recovered as over payment from the applicant for the period from 15.4.89 to 29.2.92.

2. The main contention of the applicant in this case is that re-fixation of the pay and therecovery thereon initiated by the impugned order dated 4.5.92 (A-2) is void as no opportunity was given to him ^{before the} ~~the Board~~ ^g issued the impugned order. He further submits that the principle of natural justice demands that the applicant should be given a notice before reducing his pay and ordering recovery.

3. Whenever any reduction of pay ^{is to be} ~~has~~ made and the recovery is to be effect^{ed}, notice has to be given to the effected party and on the basis of the reply received from the effected employee the department is free to fix the pay and make recovery

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in accordance with rules.

4. In view of the above the impugned order dated 4.5.92 (A-2) is set aside and liberty is given to R1 to give showcause notice to the applicant and on the basis of the reply received from the applicant necessary further action may be taken in regard to fixation of pay and make recovery in accordance with rules. If the case is decided in favour of the applicant the recovered amount should be returned back to the applicant.

5. The O.A. is ordered accordingly. No costs.



(R.RANGARAJAN)
Member (Admn.)

Dated: 26th March, 1996

(Dictated in Open Court)

sd

For:
Dy. Registrar (J)

..3..

Copy to:

1. The Director of Accounts (Postal),
Station Road, Abids, Hyderabad.
2. The Superintendent of Post Offices,
Wiziznagaram.
3. The Director General, Dept. of Posts,
Dak Bhavan, Sandad Marg,
New Delhi.
4. One copy to Mr. Krishna Devan, Advocate,
CAT, Hyderabad.
5. One copy to Mr. K. Bhaskara Rao, Addl. CGSC,
CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

YLR

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

HON'BLE SHRI A.B.GORTHY : MEMBER(A)

HON'BLE SHRI R. Rangarajan, H (A)

DATED: 26-3-96.

ORDER/JUDGMENT

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

IN

O.A.NO. 1158/95

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

* * *

No Spare Copy

