

(99)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 16/95.

Dt. of Decision : 5.1.95.

D. Krishna Mohan Rao

.. Applicant.

Vs

1. Director of Accounts (Postal),
Hyderabad.
2. Chief Postmaster General,
A.P.Circle, Hyderabad.
3. Sr. Postmaster, Head Post Office,
Secunderabad-500 003.
4. The Secretary,
Ministry of Finance, (Dept. of
Expenditure) Govt. of India,
New Delhi.
5. The Secretary,
Ministry of Communications,
Govt. of India, New Delhi.

.. Respondents.

Counsel for the Applicant : Mr. S.Ramakrishna Rao

Counsel for the Respondents : Mr. N.R.Devaraj, Sr.CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

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

P.A.

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OA 16/95.

JUDGMENT

Dt:5.1.95

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE-CHAIRMAN)

Heard Shri S.Ramakrishna Rao, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. This OA was filed praying for quashing the impugned order No.7715/Pen.VIII/Gnl/PPO/3921/LPR/Rev. dated 30.12.1994 of R-I reducing the pensionary benefits and ordering recovery of the payments already made with effect from 1.4.1979 by declaring the same as ultravires and violative of principles of natural justice. The applicant retired from service as Senior Post Master on 31.3.1977. He filed Writ Petition No.1301/85 on the file of Andhra Pradesh High Court praying for direction to the respondents to grant him retirement benefits as per the Government of India order No.F49/(3) EI/79 & 19(4) Et./79 dated 25.5.1979 and Govt. of India order No.14028/1 /77EV/(A) dated 29.10.77 without taking into consideration the date of retirement viz., 30.9.77, and 31.3.79 as criteria for the said benefits. The said writ petition was allowed on 19.3.1985. Accordingly the respondents paid the applicant the difference in commutation of pension and the pension. The amounts which were paid in pursuance of the judgment dated 19.3.85 in WP 1301/85 are sought to be recovered as per the impugned order.

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3. The learned standing counsel for the respondents filed the judgment dated 17.3.1994 of the Supreme Court in Civil Appeal No.1774/94 ~~whereby~~ (the order is produced for the purpose of record) whereby the order dated 19.3.85 in WP 1301/85 on the file of AP High Court was set-aside and the said Writ Petition was dismissed. It is stated for the respondents that in pursuance of the above judgment of the Supreme Court, the amounts which were paid as per the order dated 19.3.1985 in WP 1301/85 are sought to be recovered and the pension was reduced so as to restore it in accordance with the pension payable to the applicant before 19.3.1985, as per the impugned order. It is stated for the applicant that he was not aware of the judgment dated 17.3.94 in Civil Appeal No.1774/94. Probably because of that, this OA might have been filed.

4. It is not stated in the order dated 17.3.1994 of the Supreme Court that the amounts already paid as per the order dated 19.3.85 in WP 1301/85 ~~need~~ ^{shall} not be recovered. Hence, the recovery as per the impugned order which is in accordance with the above judgment of the Supreme Court cannot be held as illegal.

contd....

P.S.V.


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... ..

5. It is not the case of the applicant that the amounts which are sought to be recovered is more than the amount that was paid as per the order dated 19.3.1985 or ^{the} pension which ~~was~~ ^{is} fixed downwards is ~~xx~~ less than the corresponding pension fixed in regard to the applicant, prior to 19.3.1985.

6. It is needless to say that the amount as per the impugned order will be recovered from the pension in accordance with rules.

7. In the circumstances, the OA does not merit consideration. Accordingly, it is dismissed at the admission stage. No costs./


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 5th January, 1994.
Open court dictation.

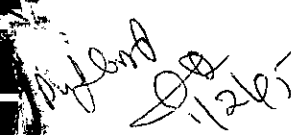

Deputy Registrar(J)CC

To

vsn

1. The Director of Accounts (Postal) Hyderabad.
2. The Chief Postmaster General, A.P. Circle, Hyderabad.
3. The Sr. Postmaster, Head Post Office, Secunderabad.
4. The Secretary, Ministry of Finance (Dept. of Expenditure) Govt. of India, New Delhi.
5. @ The Secretary, Ministry of Communications, Min. of Communications, Govt. of India, New Delhi.
6. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT. Hyd.
7. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
8. One copy to Library, CAT. Hyd.
9. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN : M(AEEN)

DATED: 5-1-1995

ORDER/JUDGEMTN:

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

in

O.A.No.

16/95

T.A.No.

(w.p.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

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