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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1506/96

Date: 31.12.1996

Between:

K. Ramakrishnaiah ... Applicant

and

1. Union of India rep. by
Director General of Postal
Services, D/o Posts,
New Delhi.

2. Post Master General,
Kurnool Region, Kurnool.

3. Superintendent of Post Offices,
Kurnool Division, Kurnool.

4. Post Master, Kurnool Head
Post Office,
Kurnool. ... Respondents

Mr. B.S.A.Satyanarayana ... Counsel for applicant

Mr. K.Bhaskar Rao, Addl.CGSC ... Counsel for respondents

CORAM

HON'BLE SHRI JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

O R D E R

Mr. B.S.A. Satyanarayana for applicant and Mr.K.Bhaskar Rao
Addl. Standing Counsel for the respondents.

Heard at length. Mr. K.Bhaskar Rao, the learned Additional
Standing Counsel has produced a copy of the letter of the Depart-
ment of Posts, Government of India dated 26.10.94 which is
referred to in the impugned order dated 30.9.96. The learned
Standing Counsel has also produced a fax copy obtained from
the Post Master General, Kurnool, prima facie to show that the
said letter was circulated to all Divisional Heads. He therefore
seriously contends that the ignorance of the letter being sought
to be pleaded by the applicant cannot be accepted.



2. After hearing the submissions of both the counsel one of the submissions made by Mr. Satyanarayana which has impressed me is that a regular show cause notice was not issued to the applicant before ordering the recovery of a considerably huge amount and that ~~is~~ ^{has} caused prejudice to him. He submitted in that connection that although the applicant filed a representation dated 17.10.96, he had no knowledge of the letter dated 26.10.94. Both the counsel therefore indicated that the OA may be disposed of at this stage since the representation of the applicant dated 17.10.96 is still pending. Hence the O.A. is admitted. Notice for the respondents waived. By consent taken up for final orders.

3. The applicant was working as Sub Post Master at Gonegandla and was drawn to work under the Mahila Samaridhi Yojana. He worked under that scheme from 1.11.93 to 30.4.96. Under that scheme, initially incentive at the rate of rupee one per transaction was provided to Sub Post Masters at Single Window Post Offices. The applicant was accordingly paid the incentive amount. However, by order dated 26.10.94 the Ministry reduced the rate of incentive to the Sub Post Masters to 0.50 paise per transaction. However, despite that letter, it appears that the local office of the respondents continued to pay to the applicant at the rate of Rupee one per transaction. When that mistake was realised the impugned recovery notice was issued on 30.9.96 for recovery of the amount of Rs.16279.50 paid in excess during the period from 1.11.94 till 30.4.96. That is challenged in this O.A.

4. The impugned notice states that during the above mentioned period it was the applicant who had claimed the incentive at the rate of Rupee 1/- per transaction instead of



0.50 paise. He has therefore been called upon to credit the excess amount within 10 days. The applicant filed a representation to the Post Master, Kurnool Head Office on 17.10.96. Although it could be construed that the applicant having treated the order dated 30.9.96 as a notice and had purported to show cause against the order on 17.10.96, he had not urged all the contentions because, according to him, he was not aware of the contents of the letter dated 26.10.94 by which the rates were reduced and thus he was taken by surprise. Hence, in my view, it will be just and proper to give an opportunity to the applicant to raise all his contentions and direct the respondents to consider the same while disposing of the representation dated 17.10.96 which is pending. Hence the following order.

6 ORDER

- (1) The applicant is given liberty to put in further grounds in support of the representation dated 17.10.96 before the Fourth Respondent (Post Master, Kurnool Head Post Office), within a period of two weeks from today.
- (2) On such further grounds being submitted within the aforesaid period, that shall be treated as grounds raised in the representation dated 17.10.96 and the Fourth Respondent will consider the representation in its totality and pass a suitable order on the representation. If necessary, it will be open to Respondent-4 to take a decision in consultation with Respondents 2 and 3. The decision shall be communicated to the applicant.

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(3) The recovery of the amount of arrears of excess payment under the impugned order shall stand stayed until the expiry of a period of two weeks from the date of communication of the decision on the representation to the applicant.

5. The O.A. is disposed of in terms of the above order finally. Applicant is permitted to convey the operative order telegraphically at his cost.

M.G. Chaudhari

M.G. Chaudhari (J)
Vice Chairman

31st December, 1996

*AM/Br
1-1-97
Deputy Registrar (D) cc.*

VM

O.A. 1506/96

To

1. The Director General of Postal Services,
Union of India, D/o Posts, New Delhi.
2. The Postmaster General,
Kurnool Region, Kurnool.
3. The Superintendent of Post Offices,
Kurnool Division, Kurnool.
4. The Postmaster, Kurnool Head Post Office,
Kurnool.
5. One copy to Mr.B.S.A.Satyanarayana, Advocate, CAT.Hyd.
6. One copy to Mr.K.Bhaskar Rao, Addl.CGSC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

pvm.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD
MEMBER(ADMN)

Dated: 31-12-1996

ORDER / ~~JUDGMENT~~

MIA./R.A./C.A. No.

in

O.A.N.C. 1506/96

Table No. 1 (W.P.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with directions

D. dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

p.v.m.

