

(45)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

\*\*\*

O.A. 966/96.

Dt. of Decision : 16-08-96.

A. Venkateswara Rao

.. Applicant.

Vs

1. The Union of India, Rep. by  
the Chief Postmaster General,  
Andhra Pradesh Circle,  
Hyderabad-1.
2. The Director of Postal Services,  
Hyderabad City Region,  
Hyderabad-1.
3. The Superintendent,  
Circle Stamp Depot,  
Hyderabad-7.

.. Respondents.

Counsel for the Applicant : Mr. Y. Appala Raju

Counsel for the Respondents : Mr. V. Rajeswara Rao, Addl.CGSC.

CORAM:

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

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ORDER

Oral Order (Per Hon'ble Shri R.Rangarajan, Member (Admn.))

Heard Mr. Y.Appala Raju, learned counsel for the applicant and Mr. V.Rajeswara Rao, learned counsel for the respondents.

2. The applicant in this OA is presently working as Inspector of Post Offices, in the grade of Rs.1400-2300/-.. It is stated that ~~the~~ his pay is likely to be refixed and hence he has to return back ~~of~~ a huge amount due to the refixation. A show cause notice has been issued to him vide order No.CSD/Hyd/PP/AVR/95-96 dated 25-11-95 (Annexure-I) asking <sup>Refixation of pay and</sup> his explanation for <sup>the</sup> proposed amount to be recovered in monthly instalment from his pay and allowance. The applicant <sup>addressed to R-2</sup> has replied that show cause notice by his representation dated 7-12-95 (Annexure-III). It is stated that that representation addressed to R-2 is not yet disposed of. The applicant apprehends that the recovery will be started even before disposing of his explanation <sup>at</sup> 7-12-95 to the show cause notice.

3. Aggrieved by the above, he has filed this OA to set aside the impugned show cause notice dt. 25-11-95 (Annexure-I) of R-3 and for a direction <sup>for</sup> not effecting the recovery.

4. Whenever a show cause notice is issued ~~that~~ the concerned respondents should dispose of that representation explaining the reasons for recovery if they do not accept his explanation. In this case the reply given by the applicant to the show cause notice dated 25-11-95 is still pending. Hence the respondents cannot arbitrarily start recovering without perusing the explanation given by the applicant and without giving him suitable reply.

The prayer of the applicant in this OA for setting aside the impugned order dt. 25-11-95 is premature. He has to wait till the reply is given to his explanation to the show cause notice. If he is going to be aggrieved by the reply to be given indicating the recovery details to be made, the applicant will be at liberty to approach this Tribunal by filing a fresh OA challenging the final order.

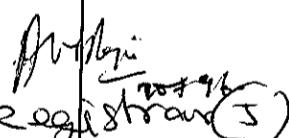
5. In the result, the following direction is given:-

R-2 should dispose of the explanation of the applicant dated 17-02-95 to the show cause notice issued on 25-11-95. If any recovery is to be effected the same can be done only after the reply is given to him. Till such time the reply is given no recovery should be effected.

6. The OA is ordered accordingly at the admission stage itself. No costs.

  
(R. Rangarajan)  
Member(Admn.)

Dated : The 16th August 1996.  
(Dictated In Open Court)

  
Dy. Registrar(S)

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contd---

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O.A.NO.966/96

Copy to:

1. The Chief Postmaster General,  
Andhra Pradesh Circle,  
Hyderabad -1.
2. The Director of Postal Services,  
Hyderabad City Region,  
Hyderabad - 1.
3. The Superintendent,  
Circle Stamp Depot,  
Hyderabad.
4. One copy to Mr.Y.Appala Raju, Advocate,  
CAT, Hyderabad.
5. One copy to Mr.V.Rajeswar Rao, Addl.CGSC,  
CAT, Hyderabad.
6. One copy to Library,CAT, Hyderabad.
7. One duplicate copy.

YLKR

*YLR*  
08/08/96

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN: M(A)

DATED: 16/8/96

ORDER/JUDGEMENT  
O.A. NO./R.A./C.P. No.

in  
O.A. NO. 966/96

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED  
DISPOSED OF WITH DIRECTIONS  
DISMISSED  
DISMISSED AS WITHDRAWN  
ORDERED/REJECTED  
NO ORDER AS TO COSTS.

YLR

II COURT

No Space Copy

केंद्रीय प्रशासनिक विधिकरण  
Central Administrative Tribunal  
DESPATCH  
28 AUG 1996 *Naray*  
हैदराबाद बैठकीड  
HYDERABAD BENCH