

IN THE CENTRAL ADMINISTRATION TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD.

O.A.139/95

Dated: 10-2-95

1. M. Anandam
2. S. Ravinder
3. Mohd. Miya Jani
4. K. Srinivas
5. Mohd. Ankeos
6. R. Kumara Swamy
7. G. Rajanarsu

... Applicants.

Vs.

The Superintendent of Post Offices,
Hanamkonda Division,
Hanamkonda.

... Respondent.

Counsel for the Applicants: P. Rathaiah, Advocate.

Counsel for the Respondent: N.V. Ramana, Addl. SC for
Central Govt.

CORAM:

HON'BLE MR.JUSTICE V. NEELADRI RAO, Vice-Chairman

HON'BLE MR.R. RANGARAJAN, MEMBER (ADMN.)

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

Heard Shri P. Rathaiah, learned counsel for the applicant
and also Shri N.V. Ramana, learned standing counsel for the
Respondents.

2. The applicants are working as ED staff. Till 31.10.94
they were being paid allowances at the rate of Rs.420/- p.m.
By impugned order No.A/Revn./94 dt.17.11.94, it is stated that
ED staff in Hanumakonda division including these 7 applicants
will be paid at the rate of Rs.240/- p.m. from 1-11-94.

A copy of letter No.ST/LC-4/95 dated 10-2-95 addressed
by P.M.G. Hyderabad to Supdt. of Post Offices, Hanumakonda
Division is produced. It states that pending consideration of
re-fixation of the allowances of these ED staff they should be
permitted to draw at the rate of Rs.420/- p.m. from 1-11-94.

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Hence it is stated for the Respondents that this O.A. has become infructuous. But the learned counsel for the applicant submitted that as it is only a tentative arrangement pending consideration of re-fixation, the matter has to be considered. In the absence of the relevant material, it cannot be stated at this stage as to whether the allowances will be re-fixed and if refixed, whether they will be upwards or downwards.

As such, it is just and proper to dismiss this OA as being infructuous by giving liberty to the applicants to move this Tribunal under Section 19 of the A.T. Act in case there is going to be re-fixation and if it is going to be downwards. Subject to the above, the O.A. is dismissed at the admission stage itself. No costs.

/CERTIFIED TO BE TRUE COPY/

Sd/-
Court Officer,
Central Administrative Officer,
Hyderabad Bench.

Copy to:-

1. The Supdt. of Post Offices, Hanakmonda Division
(with copy of O.A.)
2. One copy to Sri P. Rathaiah, CAT, Hyd.
3. One copy to Sri N.V. Ramana, SC for Rlys, CAT, Hyd.
4. One copy to Library, CAT, Hyd.
5. One spare copy.

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GOVERNMENT OF INDIA: DEPARTMENT OF POST
Office of the Supdt. of Post Offices, Hanamkonda Divn.
Memo. No. A-181 dtd at Hanamkonda - 506001, the 21.2.1995.

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Sanction of the Supdt. of Post Offices, Hanamkonda
division is hereby accorded for the reduction of Basic
allowances of ED Pkr. Jangalapalli SO under Parkal H.O.
from Rs. 420/- to 336.20 (three hundred and thirty six/20 ps
only) per month with effect from 1.6.1992.

A copy of this memo is issued to:

- 1.2 The Postmaster Parkal HO with copy to DA(P) Hyderabad.
He will please calculate the difference of excess paid
amount from 1.6.92 to till date and intimate to this
office within a week positively.
3. The SDI(P) Mulug Sub-division, w.r.t. his lr.no.
SC/Jangalapalli dtd. 9.1.95.
4. The Est. Register.
5. The Edpkr. Jangalapalli SO.
6. The sub-Postmaster, Jangalapalli SO
- 7, 8 office copy and spare.

Sd/-
Supdt. of Post Offices,
Hanamkonda Division,
Hanamakonda - 506 001.

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THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD.

O.A.NO.835 of 1996.

Dated 16.7.1996

Between

1. Gadepaka Praveen Kumar
 2. Akula Kishan. Applicants.

And

1. The Supdt., of Post Offices, Hanamkonda Postal Division,
 Hanamkonda. Respondent.

Counsel for the Applicants : Sri S.Ramakrishna Rao
 Counsel for the Respondents : Sri N.V.Raghava Reddy Addl.
 CGSC.

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member
 (Judgement oral order as per Hon'ble Mr.R.Rangarajan,
 Member (Admn.))

~~Deceased~~

Heard Sri S.Ramakrishna Rao, learned Counsel for the
 applicants and Sri N.V.Raghava Reddy, learned standing counsel
 for the respondents.

2. There are 2 applicants in this OA. They are working
 as EDDA in Uppugal and Abadi Ghanpur Post Office under the
 respondent. Due to introduction of the cycle beat allowance
 the allowance which was earlier in existence on the basis of the
 foot beat was revised downwardly. Due to the downward reduction
 of the basic allowance the recovery of the excess amount was
 sought to be recovered from him by orders No.F-4 dated 23.2.96
 and No.A-146 dated 24.1.1996 (A-1 and A-2) in respect of
 applicants 1 and 2 respectively. As per the impugned order
 the excess amount was sought to be recovered from the date of
 appointment.

3. Aggrieved by the above this OA is filed for setting
 aside the impugned memo No.F-4 dated 23.2.1996 and A-140
 dated 24.1.1996. of the Superintendent of post offices,
 Hanmakonda post office ordering revision of allowance downward
 and recovery of excess paid holding such action is arbitrary
 and illegal.

4. In a similar O.A.889/94 and batch it was held that
 the revised allowance shall take effect from the date of issue

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of the impugned orders and the amount if recovered retrospectively before the date of the issue of the impugned order, the same should be paid back to the applicant within 3 months from the date of receipt of a copy of the order in that OA. As the applicants in this OA are similarly placed and their prayer and contentions are same I follow the earlier order given in the OA referred to above and direct as follows:-

The revised allowance for the applicants shall take effect from the issue of the impugned orders by the Superintendent of Post Offices, Hanamkonda Postal Division, Hanamkonda. The amount if any recovered retrospectively before the issue of the impugned order, the same shall be paid back to the applicants within 3 months from the date of receipt of a copy of this order.

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

Sd/-
Deputy Registrar (Judl.)

CERTIFIED TO BE TRUE COPY

Sd/-
CAT OFFICER
Central Administrative Tribunal
HYDERABAD BENCH.

T.C
Anthonis
11/1/97
Counsel for the applicant

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3. Aggrieved by the above this OA is filed for setting aside the impugned memo No. A-181 dt. 21.2.95 of the Superintendent of Post Offices, Hanumakonda division, Hanumakonda ordering revision of allowance downward and recovery of excess paid holding such action is arbitrary and illegal.

4. In a similar OA.835/96 decided on 16.7.96 it was held that the revised allowance shall take into effect from the issue of the impugned orders and the amount if recovered retrospectively before the date of issue of the impugned order the same should be paid back to the applicant within three months from the date of receipt of a copy of an order in that OA. As the applicant in this OA is similarly placed and the prayer and contentions are same, we follow the earlier order given in the OA referred to above and direct as follows:-

"The revised allowance for the applicants shall take effect from the issue of the impugned orders by the Superintendent of Post Office, Hanamkonda Postal Division, Hanamkonda. The amount if any recovered retrospectively before the issue of the impugned order, the same shall be paid back to the applicants within 3 months from the date of receipt of a copy of this order".

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

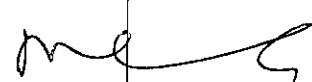

(B.S. JAI PARAMESHWAR)
Member (Judl.)

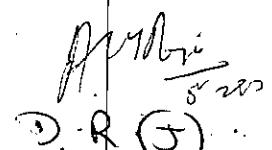
9-1-97

Dated : 9th January, 1997

(Dictated in Open Court)

sd


(R. RANGARAJAN)
Member (Admn.)


D.R. (G)

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O.A. NO.43/97

Copy to:

1. The Superintendent of Post Offices,
Hanumakonda Division,
Hanumakonda.
2. One copy to Mr.P.Rathaiah, Advocate,
CAT, Hyderabad.
3. One copy to Mr.V.Bhimanna, Addl.CGSC,
CAT, Hyderabad.
4. One copy to MxLibrary, CAT, Hyderabad.
5. One copy for duplicate.

YLR

Typing

11/1/97
11/1/97

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)
The Hon'ble Shri B. S. Jai Parameshwar
M(J)
DATED: 9/1/97

ORDER/JUDGEMENT
R.A/C.P./M.A.NO.

in
O.A. NO. ~~43~~ 43/97

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

YLKR

II COURT

A/w Com 207

