

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - HYDERABAD BENCH : HYDERABAD

OA / ~~CP~~ / ~~MA~~ / ~~PT~~ 1245 of 1997

..... R. Narayana Applicant(s)


Versus

The Chief post master General
AP. H/L of 2016 Respondent(s)

INDEX SHEET

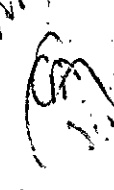
Serial No.	Description of Documents	Pages
Docket Orders	—	1
Interim Orders	—	
Orders in MA (s)	—	
Orders in (Final Orders)		

23-9-97 2 to 25


23/10/97
Signature of
Dealing Head
(In Record Section)

Certified that the file is complete
in all respects.

Signature of S.O.


23/10/97
S.O.

1

Central Administrative Tribunal Hyderabad Bench: Hyderabad.

O.A.No. 1245 of 1997.

R. Nanayana Applicants(s).

V E R S U S.

The chief post master
General, A.D. Postal circle, Hyd 2
(Respondents). 205

Date	Office Note	ORDER
		<u>23-9-97.</u> OA disposed of as withdrawn. Order vide separate sheet. No costs. HRRV M(B)

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

ORIGINAL APPLICATION NO. 1245 OF 1997.

R. Narayana

Applicant (s)

VERSUS

Union of India, Repd. by.

The Postmaster General, A.P.

Hyderabad 92085

Respondent(s)

The application has been submitted to the Tribunal by Shri K.S.R. Anjaneyulu Advocate/
~~Party in Person~~ Under Section 19 of the Administrative Tribunal Act, 1985 and the same has been scrutinised with reference to the points mentioned in the check list in the light of the Provisions in the Administrative Tribunal (Procedure) Rules 1987.

The Application is in order and may be listed for Admission on _____

Ar
18/1/97
Scrutiny Asst.

Ar
DEPUTY REGISTRAR (JUDL)

11. Have legible copies of the annexure duly attested been filed. yes
12. Has the applicant exhausted all available remedies. yes
13. Has the Index of documents been filed and pagination done properly. yes
14. Has the declaration as required by item No. 7 of form. I been made. yes
15. Have required number of envelopes (file size) bearing full addresses of the respondents been filed. yes
16. (a) Whether the relief sought for, arise out of single cause of action. -
(b) Whether any interim relief is prayed for, yes
17. (c) In case an MA for condonation of delay is filed, is it supported by an affidavit of the applicant. -
18. Whether this cause be heard by single Bench. yes
19. Any other points. -
20. Result of the Scrutiny with initial of the scrutiny clerk. may be filed

Cr
RTI/92
Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

....

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

Dairy No. 3020/97

Report in the Scrutiny of Application.

Presented by Mr. K.S.R. Arjaneyulu Date of Presentation 12/9/97

Applicant(s) R. Narayana

Respondent(s) The CPMG and 20A.

Nature of grievance Recovery

No. of Applicants 1 No. of Respondents 3.....

CLASSIFICATION.

Subject.....No Department....Postal.....(No)

1. Is the application in the proper form,
(three complete sets in paper books form
in two compilations). Yes
2. Whether name description and address of all the
parties been furnished in the cause title. Yes
3. (a) Has the application been fully signed and verified. Yes
(b) Has the copies been duly signed.
(c) Have sufficient number of copies of the application
been filed. Yes
4. Whether all the necessary parties are impleaded. Yes
5. Whether English translation of documents in a language
other than English or Hindi been filed. -
6. Is the application on time, (See Section 21). Yes
7. Has the Vakalatnama/Memo of Appearance/Authorisation
been filed. Yes
8. Is the application maintainability.
(U/S 2, 14, 18, or U/R. 8 Etc.,) Yes
9. Is the application accompanied IPS/DD, for Rs.50/- Yes
10. Has the impugned order's original, duly attested legible
copy been filed. Yes

P.T.O.,

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD

I N D E X

Case No. 1245 of 1997.

CAUSE TITLE

R. Nanayans.

V E R S U S

The chief Post master
General. Hyd. & 206.

SL.NO.	Description of documents	Page No.
1.	Original Application	1-8
2.	Material Papers	9-20
3.	Vakalat	1
4.	Objection sheet	3
5.	Spere Copies	- 3 -
6.	Covers	- 3 -

Reg! - To direct the respondents not to make any recovery from the applicant and refund the amounts already recovered as the applicant actually worked on all Sundays and holidays.

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL ACT.

O.A.No: 1245 of 1997

Between:

R. Narayana

and

Union of India represented by
CPMG & 2 others.

.. Applicant!

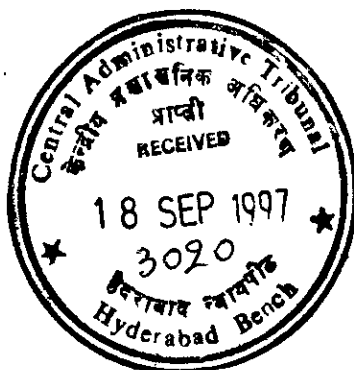
.. Respondents.

I N D E X

Sl. Particulars of the No. Documents.	Annexure No.	Page Nos. From To
01. Application	--	01 to 08
02. Appointment order of the Applicant as Waterman in 1976	01	09 to 09
03. Superintendent of Post Offices letter A-12/ATP/£ dated 22.08.1990	02	10 to 10
04. Superintendent of Post Offices Letter Memo A-12/ATP/PT dated 13.03.1992.	03	11 to 11
05. Judgment in O.A.No: 1442 of 1995 dated 5.8.1996.	04	12 to 15
06. Judgment in M.A.No: 6 of 1997 dated 6.1.1997	05	16 to 17
07. Representation of the applicant in May, 1997	06	18 to 20

Repeal
18/9/97
R. N. R. Denny

Subrahmanyam
COUNSEL FOR THE APPLICANT.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH AT
HYDERABAD.

O.A.No: 1245 of 1997

Between:

R.Narayana

.. Applicant.

and

Union of India represented by:

Chief Post Master General and
2 others.

.. Respondents.

CHRONOLOGY OR EVENTS

Sl. No.	Date	Events
01.	1976	Applicant appointed as Waterman.
02.	22.08.1990	Allowances of the applicant revised fixing working hours.
03.	13.03.1992	Revision of allowances working hours enhanced to 7 hours.
04.	20.02.1995	Recoveries of alleged excess payments from 1991 to 1994 ordered.
05.	05.08.1996	Order of the Hon'ble Tribunal in O.A. No: 1442 of 1995.
06.	06.01.1997	Order in M.A.No: 6 of 1997
07.	May, 1997	Applicant represented

S. Subrahmanya Reddy
COUNSEL FOR THE APPLICANTS.

5
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::HYDERABAD BENCH AT

HYDERABAD.

O.A.No: 1245 of 1997

Between:

R. Narayana son of Venkatachari
aged 49 years, working as Waterman
Anantapur Head Post Office, Anantapur.

.. Applicant.

and

Union of India represented by:

1. Chief Post Master General, Andhra Pradesh Postal Circle, Hyderabad.
2. Superintendent of Post Offices, Anantapur Postal Division, Anantapur.
3. Head Post Master, Anantapur Head Post Office, Anantapur.

.. Respondents.

Address for service : K.S.R. ANJANEYULU &
D. SUBRAHMANYAM
Advocates, 1-1-365/A,
Jawaharnagar, Bakaram,
HYDERABAD 500 020.

Details of the Application:

1. Particulars of the order against which this application is filed:

This application is filed against recovery of Rs. 100/- every month from the Pay and allowances of the applicant arbitrarily without any orders, without any notice on the plea of excess paid allowances for the period from January, 1991 to December, 1993.

2. Jurisdiction:

The applicant declares that the subject matter of the application is within the jurisdiction of this Honourable Tribunal as per Section 14 of the Administrative Tribunals Act, 1985. The applicant is serving as Part Time (7 Hours) waterman in the Head Post Office, Kurnool.

Subrahmanyam

RST 23

3. Limitation:

The applicant further declares that the application is within the period of Limitation as per Section 21 of the Administrative Tribunals Act, 1985. As the recovery of Rs. 100/- from the Pay and Allowances of the applicant is continuing, it is a case of continuous cause of action.

4. Facts of the case:

4.1. The applicant was appointed to work as waterman w.e.f. 30.11.1976. He was drawing allowances as fixed by the Respondent NOs: 2 and 3 from time to time (Annexure 1 Page 9). His working hours are fixed as follows in accordance with the orders contained in Superintendent of Post Offices, Anantapur Memo No: A-12/AT P/T dated 22.08.1990 (Annexure 2 Page 10).

Morning 10.00 hours to 15.00 hours (For supply of water to the Staff)

Evening 18.00 hours to 19.00 (For fetching the water from the Pump).

4.2. The working hours of the applicant were increased by one more hour by the Superintendent of Post Offices in His Memo No: A-12/ATP P/T dated at Anantapur 13.03.1992 (Annexure 3). His allowances were increased from Rs. 975/- to Rs. 1050/- (Basic Allowance Rs. 636.25 + 393.75 D.A.) w.e.f. 1.3.1992. It is also stated in the said order that the revision is ordered due to recalculation of the work load of the applicant. His workings were fixed as

Morning 10.00 hours to 16.00 hours for supply of water to the Staff.

Evening 18.00 hours to 19.00 hours for ~~supply~~ ^{of} obtaining water from the pump.

~~xxx The applicant xxx xxx xxx xxx xxx xxx xxx xxx xxx~~

Handwritten signature

RND 03

4.3. The applicant was working on all the days including the Sundays and holidays and even now continues to work so. The respondents interpreted some instructions of the Government and paid allowances for the Sundays and Holidays to the part time casual labour employees including the applicant. Having paid the wages, for some time the respondents went back on the interpretation and ordered recovery of such wages as 'over payments'.

4.4. The applicant along with 17 others filed O.A.No: 1442 of 1995 in this Honourable Tribunal and the Honourable Tribunal passed the following orders on 05.08.1996 (Annexure 4 Para 6. *page 12*) In the result the following direction is given:

"It is hereby declared that the applicants are entitled to the wages for such of the weekly holidays on which they actually worked and the respondents are free to recover the amount in regard to the amount paid for weekly off days on and from 1.1.1991 on the days on which they had not worked. In pursuance of this order the Head of the unit in which respective applicants are working has to verify from the records as to whether the concerned applicant worked on any of the weekly off days and inform the concerned applicant about the same before recovery if any in pursuance of this order is effected. If any of the applicants is aggrieved with the order to be passed by the Head of the unit in pursuance of this order he is free to move the tribunal by way of M.A. in this O.A.

Para 7: If any recovery is to be effected from the applicants the same may be made in easy instalments so as to avoid hardship to the applicants.

4.5. The respondents did not comply with the orders of this Honourable Tribunal in its true spirit. They did not give any

Subrahmanyam

RSO as 3

the order of
of this Hono



RS ୧୫୩

returned to them. In case they have not worked on the weekly off days, then further recovery may be effected to the extent they have not worked on the weekly off days. Time for compliance is three months from today".

4.7. The applicant submitted a representation in May, 1997 (Annexure 6 Page 18) inviting attention of the respondents to the judgements in O.A.No: 1442 of 1995 and M.A.No: 6 of 1997. The order of the Honourable Tribunal dated 05.08.1996 is at Annexure 4. There is a specific direction to the respondents to verify from the records as to whether the concerned applicant worked on any weekly off day and inform the concerned applicant about the same before recovery is effected. The applicant stated that he was not shown any records and the orders of the Tribunal have not been complied with promptly and faithfully. The applicant stated that he worked on all Sundays, Weekly Off days and Holidays during the period from 1.1.1991 to 31.3.1994 as per the instructions of the Head of the office. There is no reply and the recovery is continued without disclosing any reasons. It is understood that the head of the office reported to Superintendent of Post Offices that the records were not available. That cannot be a ground to continue the recovery in contravention of the judgement.

4.8.1. The applicant is a very low paid employee working as Waterman. He was not responsible for wrong payment if any and this Honourable Tribunal clearly ordered that further recoveries should not be effected till the records are shown to the applicants. The applicant asserts that he has worked on all days including Sundays and Holidays and the same can be verified from the Staff itself if the records are stated to be not traceable. The applicant cannot be put to hardship on that ground when nothing can be attributed to him. The same is in

Hon'ble Member

RSJWS

violation of principles of natural justice. The recovery pertains to the period 1991 to 1994. It was held by the Honourable Supreme Court in the case of Sahibram Vs. State of Haryana and others "When upgraded pay scales were given by wrong construction of relevant orders by the authority concerned and without any misrepresentation by the employee himself and in such circumstances the authorities would be restrained from recovering the excess payments already made (Supreme Court Cases L & S 1994 248).

4.8.2. Similarly it was held by the Supreme Court in the case Mahavir Singh Vs. Union of India reported in 1996 33 ATC Page 683 that "in cases wherever payments were made due to a conscious decision of the competent authority which was later on considered to be wrong any subsequent recovery of amount over paid was not permissible and the recovery order is therefore invalid. The applicant therefore submits that the action of the respondents continuing recovery without following the orders of this Honourable Tribunal in O.A.No: 1442 dated 5.8.1996 and again in M.A.No: 6 of 1997 dated 6.1.1997 is arbitrary and unlawful. The applicant is therefore left with no alternative than to approach this Honourable Tribunal for relief.

5. Grounds for relief with legal provisions:

1. The action of the respondents continuing the recovery without showing the records is arbitrary and unlawful.
2. The action of the respondents is also untenable as held by the Supreme Court in Sahibram Vs. State of Haryana and others and also in the case of Mahaveer Singh Vs. Union of India and others stated supra.

Abraham Singh

RST 003

3. The action of the respondents is also against the directions given by this Honourable Tribunal in O.A.No: 1442 of 199 on 05.08.1996 and in MA.^{No}: 6 of 1997 dated 06.01.1997.

6. Details of remedies exhausted:

The applicant submitted his representation in May, 1997. There is no reply and the recovery is being continued. The action of the respondents is arbitrary and illegal. The applicant is left with no alternative thanto approach this Honourable Tribunal.

7. Matters not filed previly or pending in any other court of law:

Except as stated above in para 4 supra no other case is filed or pending any Court of Law or Tribunal.

8. Relief(s) sought for:

In view of the facts stated in para 4 above the applicant herein humbly requests that this Honourable Tribunal be pleased to direct the respondents not to make any recovery from the applicant and refund the amounts already recovered as the applicant actually worked on all Sundays and Holidays and he is not responsible for any alleged excess payments and loss of records, and to pass such other order or orders as are deemed fit and proper in the circumstances of the case.

9. Enterim orders if any:

Pending final decision in the case, the respondents may be directed to stop the recovery.

10. Not applicable.

Abraham

12

11. Particulars of the Court Fee of Rs.50/- paid:

- a. No.& date of postal order : 8.12.217233 d. 9-9-97
 b. Post office of issue: Khamayat Nagar Hyderabad
 c. Payable at: Hyderabad GPO

Rs. 50/- A

12. Enclosures:

~~W.D. B.C. D.D. / Remove~~

Vakalat, Postal order, material papers as per index.

VERIFICATION

I, R. Narayana son of Venkata chary aged 49 years, working as Part time Water Man, Anantapur Head Post Office, Anantapur, do hereby verify that the contents of paras 1 to 11 are true to the best of my knowledge and belief and contents of para s 5 and 8 are believed to be true as per legal advise and that I have not suppressed any material facts in the case.

R. Narayana B

[Signature]
 COUNSEL FOR THE APPLICANT..

SIGNATURE OF THE APPLICANT.

Annexure-1

9

Indian R&T. Department.

Office of the Postmaster, Anantapur.

Memo. Waterman/ACT dt. 30.11.76.

Sri R. Narayana is hereby appointed
to work as WATERMAN of Anantapur H.O. with
effect from 30.11.1976 forenoon.

Sd/

(B. PANUMAJAH)
POSTMASTER,
ANANTAPUR.

Copy to:

- 1) the Postmaster, Anantapur.
- 2) the official.

//True copy//

T.C.
To Sub-divisional
Counsel for the applicant

Annexure-2
12/8

Department of Posts, India
% the Supdt. of Post Offices, Anantapur Sn., Anantapur
Memo No. A 12/AT P/T dated at atp the 22-8-90

Sanction of the undersigned is hereby
accorded for revision of allowances of R/T Contingent
Waterman, Anantapur H.O. from Rs. 754-70 ps to
Rs. 841/- (Rs. Eight hundred forty one nly) (Basic allowance
Rs. 609-40 + DA Rs. 231-60 ps) with effect from 1-8-90

2. The revision is ordered due to recalculation
of work load of the official. He has to attend the
work as follows :-

Morning :- 10.00 to 15.00 hrs (for supply of water
Evening :- 18.00 to 19.00 hrs to the staff)

(for fetching of water from sump)

3. The expenditure is debitable to the head-
B2 (1) - wages.

A copy of this memo is issued to:-

1. The Postmaster, Anantapur H.O. for information and n/a.
2. The SA(P, AC, Hyderabad thro' SA PM, Anantapur
3. The Estt. Register at B.O.
- 4-5. Spare.

Supdt. of Post Offices,
Anantapur Division.

T.e

Not a bearing

Counsel for the applicant

Annexure-2

10

Annexure-3

15/11

Department of Posts, India
Office of the Supdt. of Post Offices, Anantapur Dn, Anantapur -1
Memo No. A-12/ATP P/T dated at Anantapur - 515 001, the 13-3-92.
=====

Sanction of the undersigned is hereby accorded for the revision of allowance of P/T Contingent Waterman, Anantapur HO from Rs 975/- to Rs 1050/- (Rs One thousand fifty only) Basic allowance Rs 656.25 + DA Rs 393.75) w.e.f. 01-3-92.

The revision is ordered due to re-calculation of work load of the official. He has to attend the work as follows :-

~~Morning 10:00 hrs to 16:00 hrs (For supply of water to the street)~~
Evening 1800 hrs to 19 00 hrs (For fetching of water from pump)

The expenditure is debitable to the head 'B2 (1) Wages'.

A copy of this memo is issued to :-

1. The Postmaster Anantapur HO for information and necessary action.
2. The DA (P) Hyderabad through PM Anantapur HO.
3. Est. Register D.O. Anantapur.
4. Spare.

[Signature]
(Ch. V. Sundaraveera Rao)
Superintendent of Post Offices,
Anantapur Division.

*swamy/

72
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79.

656.25 x 1.6 = 1050.00

1968 (187)

25 178

200

180

175

8/- T.E
Authorized
Counsel for the
applicant

1362--

Annexure-4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD



C.A. 1472/95.

Dt. of Decision : 05-06-96.

1. G. Ananda Paul
2. S. Mahboob Bee
3. A. Khaja Hussain
4. J. Anjeneyulu
5. D. Chulesu
6. R. Ibrahim
7. S. Iman Saheb
8. R. Sreenivasulu
9. R. Narayana

10. T. Lakshmi Devi
11. L. Sambasiva Rao
12. P. Ramesh
13. G. Maruthi
14. T. Lakshirama
15. B. Narayana Rao
16. N. Kullayappa
17. T. Vijaya Kumar
18. K. Mahaboo Bee

.. Applicants.

Vs

1. The Superintendent of Post Offices, Anantapur Division, Anantapur.
2. The Chief Postmaster General, A.F. Circle, Hyderabad-1.
3. The Postmaster, Anantapur, H.O.
4. The Postmaster General, A.F. Southern Region, Kurnool.
5. The Union of India, Rep. by the Director General, Dept. of Posts, Zak Bhavan, New Delhi-110 001.

.. Respondents.

Counsel for the Applicants : Mr. T.V.V.S. Murthy
Counsel for the Respondents : Mr. K. Ramulu, Adal. CGSC.

CORAM:

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

ORDER

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

Heard Mr. T.V.V.S. Murthy, learned counsel for the applicants and Mr. K. Ramulu, learned counsel for the respondents.

2. There are 18 applicants in this OA who were working as Part-time Contingent Casual Labourers under R-1. R-1 conveyed directions to R-3 by his letter No.K3/Staff/Dlgs dated 20-02-1995 (Annexure A-1, page-9) withdrawing the weekly paid holidays to the part-time contingent casual labourers. Thus it is alleged that the amount has to be recovered from the applicants herein as per the chart given (Annexure-I at pages 10, 11 and 12) ~~which is recovered from the applicants~~ as excess paid for the Saturdays and weekly holidays. This application is filed for setting aside the impugned letter No.K3/Staff/Dlgs dated 20-02-95 saying it as illegal and arbitrary.

3. The main contention of the applicants in this OA is that the weekly holidays were withdrawn by the Postal department for the part-time contingent casual labourers by order dated December 1990 i.e., 5 years before the actual recovery order issued on 20-02-95. Payment for Saturdays and weekly holidays were paid even after the issue of the letter dated December 1990. Hence it is not proper for the respondents to recover the excess paid from an earlier date earlier to 20-02-95.

4. It is also the case of the applicants that they worked during Saturdays and weekly holidays and on these days they were given jobs like cleaning of the office premises etc. and hence they are entitled for the payment on those Saturdays and weekly holidays as they have constructively worked on those

14

18

days. It is the case that the respondents to produce the records to show that they have not worked on the holidays and Saturdays before recovering the salary paid to them on these days. The respondents submit that the circular withdrawing the weekly holidays for part-time contingent casual labourers was issued on December 1990 and hence they are not entitled for payment on weekly holidays from 1-1-91. But it is admitted by the respondents that if they have worked on those weekly holidays they are entitled for payment. They rely on the judgement of this Tribunal in CA.241/94 decided on 29-3-94. In that CA also the recovery from the applicants was to be effected by memo dated 27-10-93 long after the issue of the circular dated December 1990. In that CA a direction was given to recover the excess amount for the weekly holidays if the applicants therein have not worked on weekly holidays from 1-1-91 onwards after perusing the relevant records.

5. This Tribunal is consistently holding the view that recovery can be made only prospectively and not retrospectively. The circular withdrawing the weekly holidays for the contingent casual labourers was issued in December 1990 and hence the contingent casual labourers cannot get payment for weekly holidays from 1-1-91 if they have not worked on those holidays. Just because the order for recovery was issued in December 1995 it does not mean that the recovery can be made only for the weekly holidays after 1995. If the payment has been made erroneously the same can be recovered if the recovery is for the period on or after 1-1-91. But the respondents should make sure that the applicants herein have not actually worked on those holidays. The above view is in consonance with the view taken by this Tribunal in CA.241/94 which was decided on 29-3-94. Hence in this case also a direction similar to what was given in CA.241/94 is appropriate.

[Signature]

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

It is hereby declared that the applicants are entitled to the wages for such of the weekly holidays on which they actually worked and the respondents are free to recover the amount in regard to the amounts paid for weekly off days on and from 1-1-91 on the days on which they had not worked. In pursuance of this order the Head of the Unit in which respective applicants are working has to verify from records as to whether the concerned applicant worked on any of the weekly off days and inform the concerned applicant about the same before recovery, if any, in pursuance of this order is effected. If any of the applicants is aggrieved with the order to be passed by the Head of the Unit in pursuance of this order he is free to move this Tribunal by way of MA in this CA.

7. If any recovery is to be effected from the applicant the same may be made in easy instalments so as to avoid hardship to the applicants.

8. The CA is ordered accordingly. No costs.

प्रमाणित किया जाता है
CERTIFIED TO BE TRUE COPY

D. S. S. D. S. D. S.

OFFICER
Central Labour Tribunal
HYDERABAD BENCH

T.C.

Donbrah...
Counsel for the applicant

CA-1442/95
5/8/96
20/8/96

1/2/11 Annexure-5

162

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
AT HYDERABAD

M.A.No. 6/97 in
O.A.No.1442/95

Date of Order : 6-8-97



BETWEEN:

D-O-E

- | | |
|--------------------|---------------------|
| 1. G.Ananda Paul | 11. L.Sambasiva Rao |
| 2. S.Manboob Bee | 12. P.Ramesh |
| 3. A.Kiaja Hussain | 13. G.Murthi |
| 4. J.Anjaneyulu | 14. T.Pakkirama |
| 5. D.Obulesu | 15. B.Narayana Rao |
| 6. R.Ibrahim | 16. N.Kullayappa |
| 7. E.Imam Sahab | 17. T.Vijayakumar |
| 8. R.Sreenivasulu | 18. S.Mahaboob Bee |
| 9. R.Narayana | |
| 10. T.Lakshmi Devi | |

.. Applicants.

AND

1. The Supdt. of Post Offices,
Anantapur Division,
Anantapur.
2. The Chief Postmaster General,
A.P.Circle, Hyderabad.
3. The Postmaster,
Anantapur HO.
4. The Postmaster General, A.F.
Southern Region, Kurnool.
5. The Union of India rep. by the
Director-General, Dept. of Posts.
Dak Bhavan, New Delhi-1.

.. Respondents.

Counsel for the Applicants

Counsel for the Respondents

.. Mr.T.V.V.S.Murthy

.. Mr.K.Ramulu

CORAM:

- HON'BLE SHRI R.KANGARAJAN : MEMBER (ADMIN.)
- HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

J U D G E M E N T

1 Oral order as per Hon'ble Shri R.Kangarajan, Member (Admin.)

17

Heard Mr.T.V.V.S.Murthy, learned counsel for the applicant. None for the respondents.

2. The applicants numbering 18 in this OA, They filed this MA for further direction. It is stated in the M.A. that the R-1 without checking the records as to whether the concerned applicant worked any of the weekly off days started recovering the wages paid for those days. He further submits that the case of the applicant should be examined whether they worked on the holidays or not and if it is proved that they have not worked then only the recovery should be effected. The only point for consideration in this MA is whether the applicants worked on the weekly off days and if they have not worked then only the recover should be made.

3. In view of the above the following direction is given:-

R-1 should show the records in regard to the working of the applicants in this OA during weekly off days. If they have not worked on those days then the recovery is in order. If they have worked on the weekly off days then the recovery made will not be in order. It is only a factual verification from records. The records in this connection should be checked and shown to the applicants. Further recovery should not be effected till the records have shown to the applicants. On the basis of the checking it is revealed that they have worked on the weekly off days then the amount already recovered should also returned to them. In case they have not worked on the weekly off days then the recovery may be effected to the extent they have worked on the weekly off days. Time for compliance is 3 months from today.

4. The MA is ordered accordingly. No costs. M.A. 6/97

T.E.
K. Srinivasulu Reddy
Counsel for
applicants
CERTIFIED TO BE TRUE COPY
कोर्ट ऑफिस
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal
हैदराबाद बेंच
HYDRABAD BENCH

केस नंबर	MA 1442/95
नियम के अंतर्गत	6/11
दिनांक निर्णय	16/11/97
प्रति माद रकम	
अनुमानित अधिकारी (प्रति जा.)	Section Officer (J)

From

Name:

R. NARAYANA

Designation:

D No 24/282

Office:

Amba Street

Sattur

Anantapur

515005

To.

The Superintendent of Post Office,
Anantapur Division,

Anantapur

Sir,

Through: ~~the~~ proper channelSub: - Illegal recovered from
my pay & all advanced ordered
by you.

Ref: - 1) yr office Memo No E3/Stabb/

D/g dt 20.2.95

2) order dt 29.11.95 dt 5.8.96 of
the CAT, Hyderabad in O.A.
1442/95,3) order dt 6.1.97 in M.A. 6/97
in O.A. 1442/954) yr office letter No
E3/Stabb/OA/CAT/D/g dt
12.2.97 and 11.4.97

I submit that your orders
in yr office letter dt 11.4.97 cited above
to resume recovery of the alleged excess
payments are in violation of the orders
dt 5.8.96 in O.A. 1442/95 and order
dt 6.1.97 in M.A. 6/97 in O.A. 1442/95

of the Hon'ble CAT, Hyderabad Bench which
are to the following effect:

Order dt: 5-8-96:-

" In pursuance of this order, the Head
of the unit in which respective applicants
are working has to verify from records
as to whether the concerned applicant worked
on any of the weekly off days and
inform the concerned applicant ~~concerned~~
about the same before recovery, if any,
in pursuance of this order is effected."
Order dt: 6.1.97

" Further recovery should not be
effected till the records are shown to
the applicants."

2. I submit that in pursuance to your
letter dt 12.2.97, I was not shown any
records ~~on~~ on 19.2.97 to establish
that I have not worked on Sundays/
Weekly off days during the period
from 1-1-91 to 31-12-93. In fact
no records were shown to me on 19.2.97.
It appears that the Head of the office
reported to your office
that no records pertaining to the
period were available with them.

.3-

I ~~have~~ ~~be~~ worked on all Sundays
Weekly offs and Holidays during the
period from 1-1-91 to ~~31-3-94~~³¹⁻³⁻⁹⁴,
as per the instructions of the Head
of the office. Hence in the absence of the
records to establish that I have not
worked on Sundays / Weekly off days
during the period, you should have relied
on my version, or sought a clarification
from the Honble CAT, Hyderabad Bench.
But you have unilaterally and
arbitrarily decided to recover the
alleged excess payment ^{from me} vide your
letter dt 11.4.97 cited above.

I therefore request you to reconsider
the matter sympathetically and stop the
further recovery of amounts and also
refund the amounts already recovered
from me illegally.

Thanking you,

Yours faithfully

(Ravi Kumar)

-5-1997.

T.E
Kombasamudra
Counsel for the
applicant

136

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A.1245/97.

Dt. of Decision : 23-09-97.

R.Narayana

.. Applicant.

Vs

1. The Union of India rep.by
the Chief Postmaster General,
AP Postal Circle, Hyderabad.
2. The Superintendent of Post Offices,
Anantapur Postal Division, Anantapur.
3. The Head Post Master, Anantapur Head
Post Office, Anantapur.

.. Respondents.

Counsel for the applicant : Mr.K.S.R.Anjaneyulu

Counsel for the respondents : Mr.K.Bhaskara Rao, Addl.CGSC.

CORAM:-

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


ORDER

Heard Mr.T.V.V.S.Murthy for Mr.K.S.R.Anjaneyulu, learned counsel for the applicant. None for the respondents.

2. This OA is filed for the following relief:-

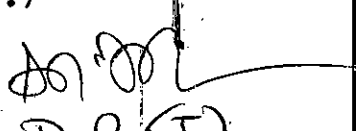
"In view of the facts stated in para-4 above the applicant herein humbly requests that this Hon'ble Tribunal be pleased to direct the respondents not to make any recovery from the applicant and refund the amounts already recovered as the applicant actually worked on all Sundays and Holidays and he is not responsible for any alleged excess payments and loss of records, and to pass such other order or orders as are deemed fit and proper in the circumstances of the case."

3. The learned counsel for the applicant now submits that he is withdrawing this OA. He is permitted to do so. The OA is disposed of as withdrawn. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 23rd Sept. 1997.
(Dictated in the Open Court)

spr


D.R.(J)

..2..

Copy to:

1. The Chief Post Master General, A.P. Postal Circle, Hyderabad.
2. The Superintendent of Post Offices, Ananthapur Postal Division, Ananthapur.
3. The Head Post Master, Ananthapur Head Post Office, Ananthapur.
4. One copy to Mr. K. S. R. Anjaneyulu, Advocate, CAT, Hyderabad.
5. One copy to Mr. K. Bhaskara Rao, Addl. CGSC, CAT, Hyderabad.
6. One copy to D. R. (A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

382
6/10/97

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

Dated: 23/9/97

ORDER/JUDGMENT

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

in

O.A.NO. 1245/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

