

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.481/98

Date of Order : 6.1.2000

BETWEEN :

1. M.Subbarayudu
2. G.Bujjamma
3. M.Sreenivasa Rao
4. C.Nagaraj
5. B.Narasimha Swamy
6. B.Venkata Reddy
7. Md.Naziruddin Ahmed
8. G.S.Murthy

.. Applicants.

AND

1. TheSr.Suptd. of Post Offices,
Nellore Division, Nellore.
2. The Sr.Suptd. of Post Offices,
Prakasam Division, Ongole.
3. The Suptd. of Post Offices,
Gudur Division, Gudur.
4. Postmaster General,
Eastern Region, Vijayawada.
5. The Chief Postmaster General,
A.P.Circle, Hyderabad.

.. Respondents.

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Counsel for the Applicants

.. Mr.S.Ramakrishna Rao

Counsel for the Respondents

.. Mr.V.Vinod Kumar

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CORAM :

HON'BLE JUSTICE SHRI D.H.NASIR : VICE CHAIRMAN

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

- - -

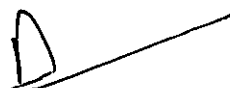


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Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.V.Vinod Kumar, learned standing counsel for the respondents.

2. Initially orders were issued granting honorarium to SB (Savings Bank) and SBCO (Savings Bank Control Organisation) staff for calculation of interest on RD premature closure cases at the rate of Rs.2.35 per account for Postal Assistants and Rs.0.45 per account for supervisory staff vide letter No.SB/2-1/81 dated 2.4.96 (A-7). However, the applicants were paid honorarium accordingly. However by the impugned order dated 1.9.98 it is stated that as per directions are to be checked and only 20% of the closed accounts/honorarium must be given and there is no point in checking 100% and honorarium will be claimed only for the 20% of the closed accounts and not for 100% accounts. By earlier order dated 2.4.96 honorarium was given for 100% check of the closed accounts, because of the impugned order a recalculation has to be done for calculating honorarium for 20% of the closed accounts only. That would mean the recovery of the honorarium already paid for 100% check of the closed accounts.

3. This OA is filed to set aside the impugned memo No. L/Honorarium/RDPMC/98, dated 1.9.98 of R-1 and the proposed recovery by the 2nd and 3rd respondents in the respective divisions basing on the above said impugned order, ordering



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recovery of the alleged excess payment of RDPMC honorarium paid to the applicants w.e.f. 4/96 by declaring the same as arbitrary, illegal, unwarranted and in violation of the articles 14 and 16 of the Constitution and to refund the amounts if any already deducted in the pay bill of the applicants for the month of February 1998 onwards.

4. An interim order was passed in this OA on 26.3.99 whereby the recovery was stayed until further orders.

5. A reply has been filed in this OA. The respondents contend that the impugned order was necessitated because of the directorate letter No.50-2/96-SB dated 30.6.98 communicated in letter No.CTD/RD/Rlgs. dated 21.7.98 of R-4. The essence of the letter is by way of calculation. It is clarified that PA (SBCO) is entitled to honorarium at the rate of Rs.2.35 per account for the checking of 20% of the total closed accounts. The above orders were reiterated vide RO (R-4) letter No.CTD/RD/Rlgs/Corr. dated 17/20.8.98 and instructions were also received for recovery of excess paid amount if any, ~~The respondents submit that~~ in view of the reduction in the checking of the closed accounts to the extent of only 20% as per the directorate letter dated 30.6.98. The honorarium already paid from April 1996 onwards have been reviewed and recovery ordered on that basis.



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6. We have considered the contentions of both sides. It is a fact that the initial order dated 2.4.96 clearly states 100% of the check has to be done and the rate for checking is also given. This letter survives till the issue of the letter dated 30.6.98 by the directorate, by which the percentage is limited to only 20% of the closed accounts. The respondents submit that this is a clarification to the earlier letter and this takes effect from the earlier letter dated 2.4.96. In view of that, the only point for consideration is that whether the later letter dated 30.6.98 is a clarificatory letter to the earlier letter dated 2.4.96.

7. The contents of the letter dated 2.4.96 is entirely different to the contents of the letter dated 30.6.98. The earlier letter stipulates 100% check whereas the later letter stipulates 20% check. The earlier letter is very emphatic in the number of cases to be checked. The later letter reduces the percentage check and excess honorarium paid is also to be recovered. The reason for the reduction is best known to the respondents. The reduction has not arisen due to any lacuna existing in the earlier letter dated 2.4.96. It is by way of reducing the work load, resulting in the reduction of honorarium probably an economy consideration. Hence it is to be held the letter dated 30.6.98



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cannot be treated as a clarification to the earlier letter dated 2.4.96. The later letter dated 30.6.98 is a fresh instruction for checking the closed accounts. Hence the later letter will take effect only prospectively from the date of issue of that letter i.e. 30.6.98 and not retrospectively from 2.4.96. Hence the applicants are eligible for getting honorarium upto 30.6.98 on the basis of the earlier letter dated 2.4.96 and are eligible to get honorarium on or after 30.6.98 on the basis of the later letter dated 30.6.98. The recovery if any should be effected on that basis. Any recovery already effected should be refunded if the applicant is due for the refund.

8. The OA is ordered accordingly. No costs.




(R. RANGARAJAN)
Member (Admn.)



(D. H. NASIR)
Vice Chairman

Dated : 6th January, 2000
(Dictated in Open Court)


11-1-2000

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 2ND COURT

12/2000

COPY TO:

1. HON'BLE
2. HRRN M (ADMN.)
3. HBSJP M (JUDL.)
4. D.R. A (DMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPOSED BY

CHECKED BY
APPROVED BY

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE CHAIRMAN

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

THE HON'BLE MR. B. S. JAI PARAMESWAR
MEMBER (JUDL.)

* * *

DATE OF ORDER: 6/1/2000

MA/RA/CP.NO.

IN

DA. NO. 481/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

(6 copies)

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

21 JAN 2000

हैदराबाद न्यायपीठ
HYDERABAD BENCH