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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT JAIPUR BENCH:  
J A I P U R.

...

O.A.No.251/97  
&  
M.A. No.194/97

Date of order: 3.10.1997

Manna Lal Bhil son of Shri Mangla, aged  
57 years, HSA Jaipur RMS/ZA.

: Applicant

Versus

1. Union of India through its Under Secretary to Government of India, Ministry of Communications, D/o Postal, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur.
3. The Post Master General Southern Region, Rajasthan, Ajmer- 305 001.

: Respondents

Mr. Mahendra Shah, counsel for the applicant  
Mr. M. Rafiq, counsel for the respondents

CORAM:

HON'BLE SHRI RATAN PRAKASH, MEMBER (JUDICIAL)

O R D E R

(PER HON'BLE SHRI RATAN PRAKASH, MEMBER (JUDICIAL))

The applicant Shri Manna Lal Bhil has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 to quash the impugned order dated 26.7.1996 (Annx.A-1) ordering recovery of Rs. 10,466/-.

2. It is the case of the applicant that the said amount has been paid by the respondents for the years 1993, 1994, 1995 and 1996. The grievance of the applicant is that the impugned order has been issued by the respondents without giving an opportunity to the applicant. Hence, the respondents should be restrained from making any recovery.

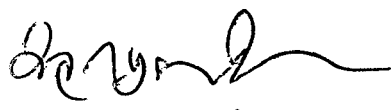
3. The respondents opposed this application by filing a written reply to which the applicant has also filed a rejoinder. The stand of the respondents has been that in these years the basic pay of the applicant was in excess of Rs. 2200/- i.e. Rs. 2250/- per month and as per letter dated 19.3.1991 circulated vide their letter dated 20.3.1991 (Annx.R-1) the applicant was not entitled to be paid the overtime allowance for which recovery is being made.

4. Heard the learned counsel for the parties.

5. Since the grievance of the applicant mainly is that the aforesaid amount of overtime is being recovered from him without giving any opportunity of being heard, the impugned order should be quashed. In view of this submission made by the learned counsel for the parties and in the interest of justice, it is felt that the applicant should be given a reasonable opportunity before the issuance of the impugned order Annexure A-1. Consequently the impugned order as at Annexure A-1 dated 26.7.1996 is hereby quashed. The respondents, if they still persist for the recovery of the amount mentioned in Annx.A-1, they can do so only after giving due opportunity to the applicant.

6. Consequently, the OA is disposed of as above. The respondents are directed not to recover any amount from the pay of the applicant towards the overtime allowance starting from the month of September, 1997 till they proceed in the matter further as directed above.

7. The O.A. is disposed of accordingly with no order as to costs. M.A. No.194/97 is also disposed of accordingly.

  
(Ratan Prakash)  
Judicial Member