

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT COURT SITTING AT INDORE

Original Application No. 992 of 2005

Indore, this the 19th day of October, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Smt. Bharti Jadhav, W/o. Late Shri
Madan Lal Jadhav, age - 47 years,
Occupation - Asstt. Teacher, R/o.
51, Housing Board Colony,
Barwani (MP).

... Applicant

(By Advocate - Shri Rajendra Tiwari)

V e r s u s

1. Union of India, through Secretary
to the Govt. of India, Ministry of
Communication, Department of Posts,
New Delhi.

2. Chief Post Master General,
Indore Region, Indore (MP).

3. Senior Superintendent of Post Office,
Khandwa Division, Khandwa (MP).

4. The State of Madhya Pradesh,
through its Secretary to the Govt.
of M.P., Department of Homes,
Vallabh Bhawan Mantralaya,
Bhopal (MP).

... Respondents

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

Heard the learned counsel for the applicant.

2. By filing this Original Application the applicant
has claimed the following main reliefs :

"1. to quash the impugned order Annexure A-3 to
direct the respondents to redeposit the amount of Rs.
25,000/- & penal interest of Rs. 20,708/- & also
unauthorized deduction of unadjusted LND (Loans not
deducted) amount of Rs. 7,272/- alongwith the inte-
rest of 12% p.a. in the applicant's DCRS account,

3. the action of respondents be held to be
discriminatory and malafide."

3. The brief facts of the case are that the husband of
the applicant was working in the office of the respondent

[Signature]

No. 3 i.e. Sr. Superintendent of Post Office, Khandwa.

While working in the said office the husband of the applicant was compulsorily retired from Government service on 20.12.2002. He died on 19.2.2005. The widow of the deceased Government servant has now approached this Tribunal seeking direction to the respondents not to deduct Rs. 45,708/- including the penal interest and Rs. 7,272/- with regard to unadjusted LND loans, from the settlement dues of the deceased Government servant. It appears that the applicant has not approached the respondents by making representation to them and directly approached this Tribunal. The learned counsel for the applicant has submitted that no amount can be recovered from the retiral dues of the Government servant. He has relied upon the judgment of the Hon'ble Supreme Court in the case of Lakshmi Narayan Mukhopadhyay Vs. Union of India & Ors., 2003 SCC (L&S) 761, in this regard.

4. In the facts and circumstances of the case, we deem it appropriate to direct the applicant to submit a representation to the respondents within a period of four weeks from the date of receipt of a copy of this order. We do so accordingly. If the applicant complies with this, then the respondents are directed to take a decision on the aforesaid representation of the applicant and also consider this OA as part of the representation and pass a speaking, detailed and reasoned order within a period of two months from the date of receipt of such representation of the applicant. The learned counsel for the applicant is directed to send a copy of this order as well as the copy of the petition to the respondents immediately.

[Handwritten signature]

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5. Accordingly, the Original Application stands disposed of at the admission stage itself.

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Dhruv
26/10/85


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman


"SA"

Tagged
24.10.85