

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application 611 of 2004

Jabalpur, this the 3rd day of August, 2004

Hon'ble Mr. Sarweshwar Jha, Administrative Member  
Hon'ble Mr. Madan Mohan, Judicial Member

M.S. Chandel S/o Late Shri Gopi Singh  
Chandal, aged 43 years, Accountant,  
Head Post Office, Chhindwara,  
Bistt- Chhindwara, M.P.

APPLICANT

(By Advocate - Shri S. P. Sinha)

VERSUS

1. Union of India, through the Secretary,  
Dept. of Posts, New Delhi.
2. The Chief Post Master General,  
Chhattisgarh Circle Raipur
3. The Superintendent of Post Offices,  
Chhindwara, M.P.
4. The Director of Accounts (Postal)  
Bhopal.

RESPONDENTS

O R D E R (ORAL)

By Sarweshwar Jha, Administrative Member

Heard the learned counsel for the applicant.

2. The applicant has filed this Original Application against the orders of the respondents dated the 21st July, 2004 whereby they have ordered recovery of an amount of Rs. 13,041/- as over payment made to him from 9.12.1998 to 30.4.2004 resulting from special allowance of Rs. 180/- having been paid to the applicant during that period. The applicant has submitted a representation to the respondents on 1st May, 2004 giving details of the said special pay paid to him @ of Rs. 180/- and sanctioned to him under the provisions of Fundamental Rules. He has also given a chronological statement in respect of his initial appointment and also the pay allowed to him from time to time under the relevant provisions on the subject. After having said that, he has submitted that no discrepancy was detected by the internal audit during the period from 31.3.1999 to May, 2000 and that after 5 years thereof the

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audit for the period 10.3.2004 to 28.4.2004 has pointed out that pay fixation in respect of the applicant with effect from 9.12.1998 had been done wrongly, which, according to him, is not proper. He has also submitted that his pay fixation has been done under FR 22(I)(A)(i) and under FR 22 (K)(II) and also under the Government of India decision thereunder. There are other relevant details which are significant from the point of view of the applicant. It is expected that the respondents have already ~~considered~~ the matter and have given due consideration to the submissions made by the applicant.

3. Having regard to the fact that the applicant has referred to the relevant instructions under which he has been given the benefit of pay fixation and also that the same has not been done due to any mis-representation of the facts on the part of the applicant, we are of the considered view that it would be appropriate that this Original Application is disposed of at the admission stage itself with a direction to the respondents to consider the representation as ~~has~~ been submitted by the applicant to them alongwith this OA treating the same as supplementary representation of the applicant and dispose ~~of~~ them <sup>a</sup> within a period of three months from the date of receipt of copy of this order. Ordered accordingly. The respondents are further directed not to operate their order dated 21st July, 2004 till such time that they have considered the representation and this Original Application and disposed them of as directed above.

  
(Madan Mohan)  
Judicial Member

  
(Sarweshwar Jha)  
Administrative Member