

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

Circuit Sitting : BILASPUR

Original Application No.652/1999
with
Original Application No.656/1999

Bila-spur, this the 8th day of December, 2003

Hon'ble Sh. M. P. Singh, Vice Chairman
Hon'ble Sh. G. Shanthappa, Judicial Member .

O.A.No.652/1999:

Lutf-Ul-Haq
s/o Faizan-Ul-Haq
Postal Assistant
Head Post Office
Kanker (MP). Applicant

(By Advocate: Shri S. K. Thomas with Shri Rakesh
Anthony)

Versus

1. Union of India
Department of Communication
through its Secretary and Chairman
Postal Board, New Delhi.
2. Chief Postal Master General, M.P.
Circle Bhopal, M.P.
3. Senior Superintendent of Post Office
Raipur Division, District Raipur, M.P.
4. Senior Post Master, Jagdalpur,
Head Post Office, Jagdalpur, M.P.
5. Post Master
Head Post Office, Kanker, M.P. .. Respondents

(By Advocate: None)

WITH

O.A.No.656/1999:

1. Manohar Sarjerao Chavan
2. Komsal Singh Baghel
3. Rohit Kumar Patel
4. Bharatlal Dewangan
5. Manmohan Malviya
6. Shobharam Dewangan

Contd...2/-



7. Mohan Lal Diwan
8. Vijay Kumar Damke
9. Deolal Sahu
10. Gopal Kumar Soni

Applicants from 1 to 4 are working at present as ~~PA/SBCO~~ ^{Supervisor/} Head Post Office, Durg (MP) and Applicants from 5 to 10 are working as PA/SBCO, Head Post Office, Raipur (MP). ... Applicants

(By Advocate: Shri S. K. Thomas with Shri Rakesh Anthony)

Versus

1. Union of India
Department of Communication
through its Secretary
and Chairman, Postal Board
New Delhi.
2. Chief Postal Master General, M.P.
Circle Bhopal, M.P.
3. Superintendent of Office Post Office
Raipur Division, District Raipur, M.P.
4. Senior Post Master
Head Post Office, Raipur, M.P.
5. Post Master
Head Post Office, Durg, M.P.
... Respondents

(By Advocate: None)

Common ORDER (Oral)

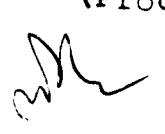
By M. P. Singh, Vice Chairman:

As the facts and the issue involved in both the aforesaid OAs are identical, we proceed to dispose of the same by this common order.

2. Heard the learned counsel for the applicants. None appeared for the respondents even on second call. Since both the aforesaid OAs are pertaining to the year 1999, we proceed to dispose of the same in terms of Rule 16 of the Central Administrative Tribunal

(Procedure) Rules, 1987.

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3. The applicants in both the aforesaid OAs have sought a direction to quash the action of recovery of incentive allowance, paid to them, vide impugned order Annexure A/1 in pursuance to which the non-applicants have started recovery of the incentive allowance paid to them for the work they have done for Mahila Samridhi Yojana.

4. The brief facts of the cases are that the applicants are working in Postal Department. The Department has introduced a Scheme called Mahila Samridhi Yojana w.e.f. 1.10.1993 which had been circulated vide letter dated 29.10.1993. According to the Scheme, the staff was required to complete the work, after completing their regular work during the office hours. Since there is a ceiling of Over-Time Allowance, i.e., 3 hours per day and maximum 70 hours in a month for each individual, all the required work of the aforesaid Scheme could not be completed and brought upto date inspite of best efforts done by them by the end of January, 1996. From Feb. 1996, instead of overtime basis, the entire work was done on incentive basis.

5. The applicant in OA 652/1999 who was working as Postal Assistant, has claimed the incentive allowance to the extent of Rs.20131/- on different dates for the work performed by him during the period from May, 1995 to December, 1996. The applicants in OA No.656/1999 have also claimed the incentive allowances as per their claims submitted to the respondents.

6. According to the instructions contained in Para-2 of the DG's letter dated 18.1.1996, the said incentive is admissible only on completion of all sorts of works relating to SBCO and on furnishing

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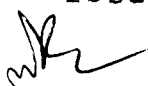
of a certificate regarding completion of the work too. While claiming the incentive, neither the official has furnished the requisite certificate for completion of work of SBCO nor nature of the work performed by them which remained unattended. Instead the applicants have claimed incentive allowance under the aforesaid Scheme. Later on, this fact was detected by the Audit Party and it was directed to recover the amount from the individuals. It is alleged by the applicants that the amount is being recovered by the respondents without issuing a notice to them or giving them an opportunity of hearing.

7. Aggrieved by the aforesaid, applicants in both the OAs, have filed their OAs, claiming the aforesaid reliefs.

8. The Tribunal, vide order dated 3.11.1999 has stopped the recovery from the applicants.

9. Heard the learned counsel for the applicants. The learned counsel for the applicants has submitted that no inquiry has been held by the respondents before the recovery is made from the salary of the applicants and no notice has been issued to them. Thus, the applicants have been denied an opportunity of hearing.

10. We have carefully considered the pleadings on record and the submissions made by the learned counsel for the applicants. Prima-facie, we find from the pleadings that the respondents have not issued any notice to the applicants and have also




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not given an opportunity of hearing before they started making recovery from their pay. Thus, the principles of natural justice have not been followed in both the aforesaid OAs.

11. In view of the above circumstances, we, therefore, deem it proper to direct the respondents to issue show-cause notices to the applicants and give them an opportunity of hearing. Thereafter, the respondents are directed to consider the replies of the applicants and decide the matter by passing a detailed, reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. Till the replies of the applicants against the show-cause notices, as directed above, are decided, no recovery will be made from the salary of the applicants.

12. Accordingly, both the aforesaid OAs are disposed of in terms of the above directions. No costs.


(G. SHANTHAPPA)
Judicial Member


(M. P. SINGH)
Vice Chairman

/rao/

पृष्ठंकल सं ओ/न्या.....जयलपुर, दि.....
परिचालित अर्थवित्त

(1) संदिग्ध न्यायलय न्याय एकाधिकार, जयलपुर

(2) एकाधिकार न्यायलय, जयलपुर

(3) एकाधिकार न्यायलय, जयलपुर

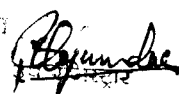
(4) एकाधिकार न्यायलय, जयलपुर

सूचना एवं अन्वेषण विभाग, जयलपुर

A. Minotkar, A.S.

B. Dambar, A.S.

S.C. Sharma, A.S.



Received
17/12/07