

CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH.

O.A.No.101/2005

Decided on : March 29, 2005.

**CORAM : HON'BLE MR.KULDIP SINGH, VICE CHAIRMAN &
HON'BLE MR.A.K.BHANDARI, MEMBER (ADM.).**

Sube Singh son of Shri Mam Chand by caste Jat, aged about 40 years, resident of Village & Post Pharat, Distt. Jhunjhunu (Raj), posted as EDBPM at Post Office, Pharat, District Jhunjhunu.

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Applicant

By : Mr.O.P.Sheoran, Advocate.

Versus

1. Union of India through Secretary Department of Posts, Govt. of India, Ministry of Communication, New Delhi.
2. The Post Master General, Rajasthan (West Region), Jodhpur.
3. The Superintendent of Post Offices, Jhunjhunu, District Jhunjhunu-333001.

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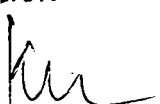
Respondents

ORDER (ORAL)

KULDIP SINGH, VC

The applicant has assailed an order dated 31.10.2002 (Annexure A-2) vide which the Department had directed to make certain over payments made to the applicant from his salary w.e.f. November, 2002 @ Rs.500/- per month.

The facts as alleged by the applicant are that he was initially appointed as Extra Departmental Mail Career (EDMC) but subsequently he was absorbed on the post of Extra Departmental Branch Postmaster and when he was working as Mail Career, he got higher salary (allowances) than the post of EDBPM. The said pay had been protected but now the order of recovery has been issued for recovery of Rs.27,839/- which is alleged to be over payment. A representation against the impugned order was made but the same has been turned down vide Annexure A-4. Thereafter a legal notice against deduction



was also sent but to no avail.

At the outset it may be noticed that the representation of the applicant was turned down on 25.4.2003 whereas the O. A. came to be filed on 16.3.2005. So, the O.A. has definitely not been filed within the limitation period as provided for under Section 21 of the Administrative Tribunals Act, 1985, and as such the same is time barred.

The applicant has also filed an M.A.No.87/2005 Seeking condonation of delay. In the grounds seeking condonation of delay the applicant submits that since he was a low paid employee so he was not in a position to bear the legal expenses being lone bread winner of the family and the applicant was facing acute financial hardship on account of illness of his wife. Thus, it is submitted that there is no delay in filing the Original Application. However, the contentions as raised on behalf of the applicant are not found to be convincing. Mere fact that the applicant was not able to approach the Court because of financial hardship will not be sufficient to condone the delay. Besides that it is a question of over payment of "allowance" because earlier the applicant was working as Extra Departmental Mail Career which post carried certain allowances for distribution of mail and when he was appointed as EDBPM, then his mobile duty was not there so the allowance was not to be paid along with that but somehow, an order was passed protecting his allowance to which he was not entitled to, so recovery was ordered. Applicant made a representation against that which has been duly considered and recovery has been ordered. Besides that recovery is being made in easily installments. So, we do not find any case made out even on merits. The O. A. is accordingly dismissed in limine.


(A.K.BHANDAFRI)
MEMBER (ADMN.)


(KULDIP SINGH)
VICE CHAIRMAN

HC*, March 29, 2005.