

(10)

11.4.2007 Mr. P. N. Tatti, Counsel for applicant.
~~Mr. D. S. Hasan, Counsel for~~
Mr. D. S. Hasan, Counsel for respondent.

Heard. The matter is allowed by
a separate order.

Amundh
(J. P. Phule Esq.)
M(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 11th day of April, 2007

ORIGINAL APPLICATION NO.443/2005

CORAM :

HON'BLE MR.J.P.SHUKLA, ADMINISTRATIVE MEMBER

L.R.Saini,
s/o Shri Chhotey Lal Saini,
r/o 10/66, Badiyal Road,
Gokul Nagar,
Bandikui.

By Advocate : Shri P.N.Jatti

... Applicant

Versus

1. Union of India through
Secretary to the Govt.,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi.
2. Principal Chief Post Master General,
Rajasthan Circle,
Jaipur.
3. Supdt. of Post Office,
"M" Division, Shastri Nagar,
Jaipur.

By Advocate : Shri S.S.Hasan

... Respondents

ORDER (ORAL)

PER HON'BLE MR.J.P.SHUKLA

Sumit
This OA has been filed by the applicant against the order dated 9/10.8.2005 (Ann.A/1), issued by the Superintendent of Post Offices, Jaipur. Facts of the case in brief, as submitted by the applicant, are that a sum of Rs.618/- was recovered from the pay of the applicant and Rs.5704/- was deducted from his gratuity without

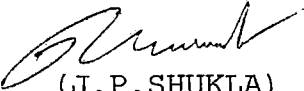
giving any reason or show-cause notice to him, whereas no excess amount was ever paid to him. Thus, the act of the respondents is arbitrary, illegal and contrary to the rules.

2. Heard the learned counsel for the parties. Learned counsel for the applicant submitted that this case is covered by the decision rendered by this Tribunal in OA 221/2005 on 12.12.2006. Learned counsel for the respondents brought to the notice of this Tribunal the provisions for recovery and adjustment of government dues from the government servants due for retirement.

3. It is observed from the reply submitted by the respondents that the Postmaster, Sambhar Lake, had wrongly fixed the pay of the applicant and he was paid pay and allowances in the grade of Rs.425-640 w.e.f. 30.11.83 to 30.1.84 instead of paying him the same from 31.1.84. Consequently, the applicant was paid excess pay and allowances.

4. The recovery in question relates to the period of more than 20 years ago and to affect such a recovery just prior to the retirement of the applicant is not justified. Moreover, the case is fully covered by the decision referred to above.

5. In view of the above, the OA is allowed and the respondents are directed to refund the amount of Rs.618/-, deducted on 30.4.2005, and Rs.5704/- deducted from the gratuity paid on 12.8.2005, within a period of two months from the date of receipt of a copy of this order. No order as to costs.


(J.P. SHUKLA)
MEMBER (A)