

THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH, JAIPUR ORDER SHEET

19

APPLICATION NO.: _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

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NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

19.01.2009

OA No. 220/2006

Mr. C.B. Sharma, Counsel for applicant.
Mr. Gaurav Jain, Counsel for respondents.

Respondents on Page No. 21 of the reply have stated that no recovery from DCRG has been made. This fact was erroneously mentioned in letter dated 24.01.2006 (Annexure A/1) that the recovery has been made from DCRG. The actual fact is that full amount of DCRG was paid on 07.05.2005 and amount of Rs.5189/- was credited by the applicant in UCR voluntarily on 07.05.2005. This fact is also evident letter dated 16.09.2008 wherein the applicant willingly credited recovery amount of Court Case No. 47/01 and 279/2001.

List the case on 30.01.2009.

B.L. Khatri
(B.L.KHATRI)
MEMBER (A)

AHQ

30.01.2009

OA No. 220/2006

Mr. C.B. Sharma, Counsel for applicant.
Mr. Gaurav Jain, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the OA is disposed of.

B.L. Khatri
(B.L.KHATRI)
MEMBER (A)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur; this the 30th day of January, 2009

ORIGINAL APPLICATION NO. 220/2006

CORAM:

HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Gopal Lal Bharti son of Shri Krishna Chand Bharti aged about 61 years, resident of 21/229, Near Jagdish Temple, Sripura, Kota and retired on 30.04.2005 from the post of Assistant Postmaster (HSG-II) Head Post Office, Kota.

.....APPLICANT

(By Advocate: Mr. C.B. Sharma)

VERSUS

1. Union of India through its Secretary, Government of India, Department of Posts, Ministry of Communication & Information Technology, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Postmaster General, Rajasthan Southern Region, Ajmer.
4. Sr. Superintendent of Post Offices, Kota Postal Division, Kota.

.....RESPONDENTS

(By Advocate: Mr. Gaurav Jain)

ORDER (ORAL)

PER HON'BLE MR. B.L. KHATRI

This OA has been filed by the applicant against the order dated 24.01.2006 (Annexure A/1) by which the applicant has been informed that recovery of Rs.5189/- made from gratuity on account of consumer court decision in connection with opening of Joint Account under National Saving Scheme.

2. Brief facts of the case are that the applicant was substantive employee of the respondents' department and retired on superannuation on 30.04.2005 while working in BCR cadre (HSG-II Cadre). The applicant as per direction of respondents worked from time to time in various branches of the Post Offices including Saving Bank Branch. Respondent No. 4 just before retirement of the applicant

issued Memo dated 02.12.2004 (Annexure A/2) directing the applicant to credit Rs.5189/- and thereafter he ordered the recovery from DCR gratuity vide Memo dated 30.04.2005 (Annexure A/3). Thereafter the applicant had represented before the Postmaster, Kota Head Post Office vide letter dated 07.05.2005 (Annexure A/4).

3. Learned counsel for the applicant submitted that recovery was made against the principle of natural justice as no show cause notice was issued to the applicant and no opportunity of being heard was given to him. He has also referred to order dated 21.07.2006 (Annexure A/8) wherein under the similar facts of the case, Shri-Shiv Charan, Assistant Postmaster, Nai Dhanmandi, Main Post Office, was exonerated of the recovery.

4. Learned counsel for the respondents had invited attention to the Additional affidavit wherein it has been stated that amount was voluntarily deposited by the applicant.

5. I have heard the learned counsel for the parties and have perused the material placed on record. From the perusal of the facts, it is evident that the respondents have ordered for recovery without issuing any show cause notice and without following the principles of audi-alterem partem. Secondly similarly situated person Shri Shiv Charan has been exonerated of the recovery by the Appellate Authority vide order dated 21.07.2006 (Annexure A/8).

6. Having regards to the facts of the case, order dated 24.01.2006 (Annexure A/1) is quashed and set aside. The respondents are directed to refund the amount of Rs.5189/- to the applicant within a period of two months from the date of receipt of a copy of this order.

7. With these observations, the OA is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)