

OA.No.170/00069/2017/CAT/BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00069/2017

DATED THIS THE 13TH DAY OF AUGUST, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C V SANKAR, MEMBER (A)

N.K. Hosur,

Aged 58 years,

S/o Kallappa,

Jeep Driver,

O/o the Supdt. of Post Offices,

Belagavi Division,

Belagavi – 590 001,

Residing at Belagavi City, Belagavi-1

...Applicant

(By Advocate Shri.B. Venkateshan)

Vs.

1. The Union of India & Others,
Represented by the Secretary,
Department of Posts,
Dak Bhavan, New Delhi – 110 001

2. The Postmaster General,
North Karnataka Region,
Dharwad – 580 001

3. The Director of Accounts [Postal]
BG GPO Complex,
Bangalore – 560 001

4. The Superintendent of Post Office,
Belagavi Division,
Belagavi – 590 001

5. The Postmaster,
Belagavi HO,
Belagavi – 590 001

.....Respondents

(By Shri V.N. Holla, Senior Panel Counsel)

O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J))

Heard. The matter relates to re-fixation of pay. Apparently vide Annexure-A7 notice dated 31.05.2016 the department has initiated proceedings for re-fixation of the pay which constitutes grant of opportunity of contest to the applicant.

2. Apparently he had taken up the matter before them and it did not end in success for him. But then the respondents have a right to re-fix the pay if they have committed a mistake. The case of the respondents is that they have only done that. But then the Whitewasher judgment of the Hon'ble Apex Court binds the case to the effect that prior to Annexure-A7 what had been the consequence of re-fixation cannot be recovered. Whatever had arisen after that can be recovered. With this declaration the matter is remitted back to the respondents to do the needful within the next two months. But then on the question of re-fixation of the pay, we grant liberty to the applicant.

3. The OA as it is disposed off as above. No order as to costs.

(C V SANKAR)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00069/2017

- Annexure A1 Copy of the Memo dated 11.02.2011
- Annexure A 2 Copy of the Memo dated 01.03.2011
- Annexure A 3 Copy of the Memo dated 08.03.2011
- Annexure A4 Copy of the OM dated 07.02.2011
- Annexure A5 Copy of the extract of Rule-13[i] of CCS(RP) Rules - 2008
- Annexure A6 Copy of the Memo dated 31.01.2013
- Annexure A7 Copy of the Memo dated 31.05.2016
- Annexure A 8 Copy of the statement of recoveries dated 10.02.2016
- Annexure A 9 Copy of the applicant's representation dated 25.02.2016
- Annexure A 10 Copy of the letter dated 27.04.2016
- Annexure A 11 Copy of the applicant's representation dated 22.04.2016
- Annexure A 12 Copy of the Memo dated 03.05.2016
- Annexure A 13 Copy of the applicant's representation dated 05.05.2016
- Annexure A 14 Copy of the OM dated 02.03.2016
- Annexure A 15 Copy of the Hon'ble Apex Court judgment in CA No. 11527/2014
- Annexure A 16 Copy of the applicant's representation dated 06.06.2016
- Annexure A 17 Copy of the Memo dated 10.08.2016

Annexures with reply statement

- Annexure R1 Copy of the letter from Senior Accounts Officer addressed to the Superintendent of Post Offices
- Annexure R2 Copy of Department of Posts letter dated 03.03.2016
- Annexure R3 Copy of Department of Posts letter addressed to the applicant
- Annexure R4 Copy of Department of Posts letter dated 26.04.2016

Annexure R5 Copy of Department of Posts letter dated 03.05.2016
Annexure R6 Copy of Department of Posts letter dated 31.05.2016
Annexure R7 Copy of Department of Posts letter dated 08.06.2016
Annexure R8 Copy of Department of Posts letter dated 19.05.2016
Annexure R9 Copy of Department of Posts letter dated 05.08.2016
Annexure R10 Copy of Department of Posts letter dated 10.08.2016
Annexure R11 Copy of extract of rule regarding remission of disallowances by
audit

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