

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00772/2016

DATED THIS THE 24TH DAY OF JULY, 2018

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

HON'BLE SHRI DINESH SHARMA, MEMBER(A)

K.R. Devikumar,  
S/o Ramachandrappa,  
Aged about 46 years,  
Officiating Assistant Postmaster (Accounts),  
Chitradurga HO and  
Residing Opposite to  
Akkachamma Bhavi, Kabirananda Mutt Road,  
Chitradurga-577 501. ...Applicant

(By Advocate Shri B. Venkateshan)

V/s

1. Union of India,  
Rep. by the Secretary,  
Department of Posts,  
Dak Bhavan,  
New Delhi-110 001.

2. The Chief Post Master General,  
Karnataka Circle,  
Bangalore-560 001.

3. The Post Master General,  
S.K. Region,  
Bangalore-560 001.

4. The Director of Accounts (Postal),  
BG. GPO Complex,  
Bangalore-1.

5. The Superintendent of Post Office,  
Chitradurga Division,  
Chitradurga-577 501. ...Respondents

(By Shri S. Sugumaran, ACGSC)

O R D E R (ORAL)HON'BLE DR K.B. SURESH, MEMBER(J)

Heard. In page 29 of the OA, the PPO is produced as Annexure A-11. One look at it will indicate that the figure 32 can be read as 34 also or vice versa. Since the Service Book also canvass the same, it can only be, at best a mistake committed by the applicant.

2. Earlier the respondents had sought to recover this amount from the beneficiary, but then could not do so on the basis of White Washer's Judgment of the Hon'ble Apex Court. They could have realized from the applicant, but then we find from the records that there is reason enough to mistake it as 32 in the way in which it is written.

3. Therefore, we hold that the applicant cannot be held responsible for this mistake and therefore there cannot be any recovery from him. Recovery orders are hereby quashed.

4. OA allowed. No costs.

(DINESH SHARMA)  
MEMBER(A)

(DR. K.B. SURESH)  
MEMBER(J)

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**Annexures referred to by the applicant in OA.No.772/2016**

Annexure-A1: Copy of SPO memo dated 19.04.2008  
 Annexure-A2: Copy of applicant's representation dated 15.12.2010  
 Annexure-A3: Copy of SPO letter dated 13.04.2012  
 Annexure-A4: Copy of SPO letter dated 26.09.2012  
 Annexure-A5: Copy of DG Posts OM dated 28.08.2012  
 Annexure-A6: Copy of applicant's representation dated 24.02.2014  
 Annexure-A7: Copy of applicant's representation dated 09.11.2015  
 Annexure-A8: Copy of applicant's representation dated 09.12.2015  
 Annexure-A9: Copy of MRI scan report of the applicant dated 13.10.2009  
 Annexure-A10: Copy of Extract of pension register maintained at CTL HO  
 Annexure-A11: Copy of PPO of Shri B.R. Laxminarayana, retd. BCR PA  
 Annexure-A12: Copy of Central Administrative Tribunal, Bangalore Bench order dated 18.12.2015 in O.A. No. 67/2015  
 Annexure-A13: Copy of CPMG letter dated 04.02.2016  
 Annexure-A14: Copy of SPO letter dated 04.04.2016  
 Annexure-A15: Copy of SPO letter dated 13.06.2014  
 Annexure-A16: Copy of applicant's representation dated 13.04.2016  
 Annexure-A17: Copy of applicant's representation dated 14.05.2016  
 Annexure-A18: Copy of SPO letter dated 27.06.2016  
 Annexure-A19: Copy of applicant's representation dated 05.07.2016

**Annexures with reply statement:**

Annexure-R1: Copy of PPO authority memo No. 5228/LPS/BG/Pension Revision Cell/2009 dated Nil-Nil-2011  
 Annexure-R2: Copy of Director of Postal Accounts letter dated 16.05.2013  
 Annexure-R3: Copy of letter dated 04.04.2016 from SPO, Chitradurga addressed to Shri Devikumar K.R.  
 Annexure-R4: Copy of letter dated 04.04.2016 from SPO, Chitradurga addressed to Shri Thippeswamy A.T  
 Annexure-R5: Copy of representation of Shri A.T. Thippeswamy dated 29.04.2016  
 Annexure-R6: Copy of PMG, Bangalore letter dated 12.07.2016  
 Annexure-R7: Copy of SPO, Chitradurga letter dated 27.10.2016  
 Annexure-R8: Copy of SPO, Chitradurga letter dated 27.06.2016  
 Annexure-R9: Copy of extract of Instruction for regulating the enforcement of responsibility for losses  
 Annexure-R10: Copy of SPO, Chitradurga letter dated 05.05.2016  
 Annexure-R11: Copy of revision of pension of Shri B.R. Lakshminarayana  
 Annexure-R12: Copy of extract of Rule 49 of CCS (Pension) Rules

**Annexures with Additional Reply Statement**

Annexure-AR1: Copy of extract of Rule 96 of FHB Vol-II  
 Annexure-AR2: Copy of F.No 38/37/08-P&PW(A) dated 02.09.2008

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