

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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