

**Central Administrative Tribunal
Madras Bench**

OA/310/01125/2018

Dated Thursday the 23rd day of August Two Thousand Eighteen

P R E S E N T

Hon'ble Mr. R.Ramanujam, Member(A)

V. Maragatham
11, G2, Kayrams Mullai Apartments
Iyyappan Nagar
1st Main Road
Medavakkam Koot Road, Chennai 600 100. .. Applicant

By Advocate **M/s. S. Ramaswamyrajarajan**

Vs.

1. The Chief Postmaster General
Tamil Nadu Circle
Chennai – 600 002.
2. The General Manager (PAF)
Postal Accounts and Finance
Ethiraj Salai, Chennai 600 008.
3. The Superintendent of Post Offices
Thiruvannamalai Division
Thiruvannamalai – 606 601.
4. The Postmaster
Arni H.P.O.
Arni – 632 301. .. Respondents

By Advocate **Mr. Su. Srinivasan**

ORAL ORDER

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard. The applicant has filed this OA seeking the following reliefs:-

“To call for the connected/relevant records from the Second Respondent and on perusal

i. To quash the impugned order No. AA/ACCTS/....D/DLGS dated nil, passed by the 4th respondent and impugned order No. C2/656/VM/RG. Dated 31.07.2018 passed by the 3rd respondent

ii. To direct the respondents to pay the amount of Retirement Gratuity/Death Gratuity of Rs. 6,68,304/- as sanctioned by the 2nd respondent in his order No. Postal/2017/TN/55985/DCRG/7 dated 14.06.2018 with 18% interest and

iii. To pass such further or other orders”

2. It is submitted that the applicant was imposed with a minor penalty under Rule 16 of CCS (CCA) Rules by Annexure A3 order dated 27.02.2007 reducing her pay by one stage from Rs.5375/- to Rs. 5250/- in the time scale of pay of Rs. 4500-125-7000 for a period of 3 years with immediate effect. It was further directed that the applicant would not earn increment of pay during the period of reduction and that on expiry of this period the reduction would not have the effect of postponing the future increments of pay. Accordingly, when the period of punishment was over, the pay of the applicant was restored along with the increments. Later, the applicant took voluntary retirement with effect from 15.05.2017. However, her terminal benefits and pension are held up on the ground that while re-fixing the pay after the period of penalty was over, the

applicant ought not to have been allowed the 3 increments. As the increments were allegedly allowed by an erroneous reading of the order, the applicant was directed to refund an amount of Rs. 2,54,939/- by Annexure A8 communication dated Nil. The authorities followed it up with Annexure A13 order dated 31.07.2017 directing recovery of certain over payments including the over payment of the aforesaid amount from her retirement gratuity. Aggrieved by the said order the applicant is before this Tribunal.

3. Learned counsel for the applicant submits that the applicant had submitted Annexure A9 representation dated 02.03.2018 in this regard which is still pending with the respondents. It is alleged that the authorities had misread the penalty order dated 27.02.2007 and failed to see that the order was issued under Rule 16 of the CCS (CCA) Rules under which only minor penalties could be imposed. Reduction of pay with cumulative effect for a period of 3 years would be a major penalty and could not have been imposed without following the procedure laid down under Rule 14 of the CCS(CCA) Rules. It is also submitted that even assuming for the sake of argument that the increments were restored erroneously, the same could not be recovered after the retirement of the applicant in terms of the Annexure A14, OM of the DoPT dated 02.03.2016 which had been issued as per the law laid down by the Hon'ble Superme Court in the case of State of Punjab & Ors Vs. Rafiq Masih (White Washer) etc in C.A. No. 11527 of 2014 (arising out of SLP(C) No. 11684/2012). Accordingly the applicant would be satisfied if the respondents are directed to consider the representation and pass appropriate orders within a reasonable time limit.

4. Mr. Su. Srinivasan takes notice for the respondents.
5. Keeping in view the limited relief sought and the *prima facie* case that appears to be made out by the applicant but without going into the substantive merits of the case at this stage, I deem it appropriate to direct the competent authority to consider Annexure A9 representation of the applicant dated 02.03.2018 in accordance with law and the relevant rules and pass a reasoned and speaking order within a period of three weeks from the date of receipt of a copy of this order.
6. OA is disposed of at the admission stage.

(R.Ramanujam)
Member(A)
23.08.2018

AS