

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD**

Original Application No.021/778/2016

Date of Order : 07.06.2018

Between :

Y. Subbanna,
S/o. Y. Sunkanna,
Age 64 years,
Occ: Reetd. HSG-II Supervisor,
Hyderabad Sorting Division,
R/o. H.No.22-128, Saraswati Nagar,
P&T Colony, PO,
Hyderabad.

... Applicant

And

1. Union of India rep. by
The Chief Post Master General,
A.P. Circle,
Hyderabad.

2. The Senior Superintendent of
Railway Mail Services,
Hyderabad Sorting Division,
Hyderabad.

... Respondents

Counsel for the Applicant	...	Mrs. S. Anuradha
Counsel for the Respondents	...	Mr. M. Brahma Reddy, Addl. CGSC.

CORAM:

Hon'ble Mr. Justice R. Kantha Rao

... Judl. Member

ORAL ORDER

{ As per Hon'ble Mr.Justice R.Kantha Rao, Judl. Member }

Heard Mrs. S. Anuradha, learned counsel appearing for the Applicant and Mr. M. Brahma Reddy, learned Standing Counsel appearing for the Respondents.

2. The O.A. is filed seeking a direction to the Respondents to refund the amount of Rs.68, 679/- which was recovered from the DCRG and the Leave Encashment against the Government dues.

3. The brief facts necessary for disposing of the present O.A. may be stated as follows:

The Applicant is a retired HSG-II Supervisor in the office of the 2nd Respondent. He retired from service on 31.5.2012 on attaining the age of superannuation. The department withheld an amount of Rs.68, 679/- from the sums of the DCRG and Leave Encashment on the ground that the said amount has become due towards Government dues. The version of the Applicant is that he is in no way responsible for the preparation of Productivity Linked Bonus bills to Gramina Dak Sevaks and also for the alleged excess payment of PLB arrears. According to the Applicant, as Mr. Mohd. Akbar Ali, AHRO-II (Accounts) who is the concerned Supervisor for preparation of PLB bills and payments of PLBs to GDS employees, was on leave for two days, he discharged the duties of Mohd. Akbar Ali by only signing the bills. After the Respondents issued Notice dated 28.2.2011

directing the Applicant to credit the amount of Rs.68,679/-he submitted a representation dated 7.3.2011 stating that he is in no way responsible for the excess payment but the said representation was not considered and an amount of Rs.68,679/- was deducted from the sums relating to his DCRG and Leave Encashment towards government dues.

4. The present O.A. is filed assailing the order of recovery and seeking a direction to the Respondents to refund the amounts recovered.

5. The Respondents filed reply statement denying the assertion made by the Applicant that he was not concerned with the preparation of Productivity Linked Bonus Bills to GDSs and contending that the Applicant was solely responsible for drawl of arrears for Productivity Linked Bonus to GDSs since he was the AHRO-I (Accounts) at the relevant point of time and excess payment was made by him in discharging his duties. It is also contended by the Respondents that as the Applicant failed to credit the amount of Rs.68,679/- which was indicated in the Notice dated 28.2.2011 sent to him, the said amount was recovered from the sums of his Gratuity and Leave Encashment.

6. It is submitted by the learned counsel appearing for the Applicant that merely because he discharged temporarily the duties of Mr. Mohd. Akbar Ali, who was AHRO-II and signed the bills, he cannot be held responsible in the absence of any disciplinary action initiated against him.

On the other hand, Shri M. Brahma Reddy, learned Standing Counsel for the Respondents argued that as the Applicant discharged the duties at the relevant point of time by signing the bills he was held responsible along with the other officials who were concerned with the preparation of bills and payment of PLB arrears to GDSs.

7. From the submissions made on either side, it is obvious that there was no disciplinary enquiry held against the Applicant fixing his responsibility for excess payment of PLB arrears except stating that he signed the bills while discharging the duties of AHRO-I (Accounts). The Notice dated 28.2.2011 does not indicate as to how and in what manner the Applicant is responsible for the excess payment of PLB arrears.

8. Having regard to the facts and circumstances of the case, the Tribunal is of the view that without any disciplinary inquiry initiated against the Applicant to fix the responsibility of excess payment of PLB arrears, the Respondents ought not to have recovered the amount of Rs.68,679/- from his retiral benefits. The said recovery in the considered view of the Tribunal is only unjustified and untenable in law. The O.A., therefore, succeeds and the Respondents are directed to refund the amount of Rs.68,679/- which was recovered from the retiral benefits of the Applicant, within a period of eight weeks from the date of receipt of a copy of the order.

9. The O.A. is allowed as above. No order as to costs.

(JUSTICE R. KANTHA RAO)
JUDL. MEMBER

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