

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.020/00927/2017
Date of order : 18-07-2018

Between :

Smt.K.B.Usha Rani
W/o B.S.Vidhya Sagar
Aged about 60 years,
Occ : Postal Assistant,
(Under orders of Compulsory Retirement),
Hindupur Post Office,
Hindupur-515201.Applicant

AND

1. The Union of India,
Rep by its Superintendent of Post Offices,
Hindupur Division,
Hindupur – 515 201.
2. The Director of Postal Services,
O/o Postmaster General,
Kurnool Region,
Kurnool 518 002. ...Respondents

Counsel for the Applicant: Mr. K. Sudhakar Reddy

Counsel for the Respondents : Mr. A. Radhakrishna, Addl CGSC

CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDICIAL MEMBER

ORDER

(per Hon'ble Mr. Justice R.Kantha Rao, Judicial Member)

(per Hon'ble Mr.Justice R.Kantha Rao Judicial Member)

Heard Mr.K.Sudhakar Reddy, learned counsel appearing for the applicant and Mr.A.Radhakrishna, learned Standing Counsel for Respondents.

2. The brief facts necessary for considering the issue involved in the present OA may be stated as follows :

Smt.K.B.Usha Rani, the applicant herein while working as Postal Assistant, Hindupur Head Post Office was kept under suspension allegedly in connection with fraud and misappropriation took place in Muddireddipalli Sub-Office while she was working. The version of the applicant is that on the promise given by higher authorities, she had credited an amount of Rs.5,50,000/- (Rupees five laksh and fifty thousand only) by withdrawing the amount from her GPF account as a security deposit. On such deposit, the suspension was revoked by memo dated 18.11.2016. The Respondents thereafter issued a charge memo dated 29.08.2016 levelling three charges of fraud and mis-appropriation involving an amount of Rs.13,910/-. According to the Respondents, as the applicant admitted the charges levelled against her in the course of enquiry, enquiry report was submitted to the Disciplinary Authority by the Inquiry Officer and in pursuance thereon the Disciplinary Authority imposed the punishment of Compulsory

Retirement on the applicant.

3. Challenging the order of Compulsory Retirement, the applicant filed OA No.665/2017 before the Tribunal. The subject matter of the challenge in the said OA is that on the false promises given by the higher authorities she was made to admit the charges and the said admission is not voluntary. The Respondents by filing a reply statement opposed the contention purforth by the applicant in the OA and their version is that the applicant on her own deposited an amount of Rs.5,50,000/- (Rupees five laksh and fifty thousand only) and thereafter in the course of enquiry she voluntarily admitted all the charges and therefore according to them the order of Compulsory Retirement imposed on the applicant shall not be interfered with. OA No.665/2017 was finally adjudicated on merits by order dated 22.06.2018 and the Tribunal recorded finding that the admission made by the applicant is not voluntary and also the principles of natural justice have not been followed while conducting the enquiry. Consequently the Tribunal allowed the OA by setting aside the order of Compulsory Retirement dated 27.04.2016 passed by the Disciplinary Authority and also the order dated 03.07.2017 passed by the Appellate Authority. The applicant retired on 30.04.2018 in usual course on attaining the age of Superannuation. The Tribunal therefore held that she would be entitled to all the consequential benefits till the date of retirement.

4. The Tribunal however granted liberty to the Respondents to proceed with the enquiry from the stage of serving the charge sheet against the

applicant in accordance with law and Rules.

5. The short question therefore falls for consideration in the present OA is whether the Respondents could be directed to refund the amount of Rs.5,50,000/- (Rupees five laksh and fifty thousand only) to the applicant having regard to the aforementioned facts and circumstances. In this context, it would be relevant to mention about the representation submitted by the applicant wherein she agreed to deduct an amount of Rs.13,910/- and requested the Respondents to refund the remaining amount.

6. Here is a case wherein the applicant credited an amount of Rs.5,50,000/- (Rupees five laksh and fifty thousand only) to the Government account not by virtue of any order passed by any Competent Authority or by the Tribunal or the Court. The question as to whether she made such deposit on account of false promises made by the higher authorities to exonerate her of the charges levelled or she voluntarily deposited is the question requires to be adjudicated is, if at all the Respondents commence departmental proceedings afresh against the applicant from the stage of serving charge sheet as per the liberty granted by the Tribunal in its order in OA No.665/2017, I do not want to examine the merit of the said issue.

7. There is no dispute about the fact that the amount deposited by the applicant belongs to the applicant and that she had withdrawn the said amount from her GPF deposit and credited into Government Account.

Since it is not in compliance of any order passed by the Competent Authority or by Tribunal / Court, even if she voluntarily deposited the amount into Government Account, the Respondents are under obligation to refund the said amount to the applicant and that they cannot keep the amount on the pretext that they would proceed with the Departmental Enquiry afresh. Therefore I am of the considered view that the applicant is entitled for refund of an amount of Rs.5,50,000/- (Rupees five laksh and fifty thousand only) deducting Rs.13,910/- (Rupees thirteen thousand nine hundred and ten only) ie Rs.5,36,090/- (Rupees five lakhs thirty six thousand and ninety only). The respondents are directed to refund the said amount within a period of eight weeks from the date of receipt of a copy of this order.

8. The Original Application is accordingly allowed. No order as to costs.

(R.KANTHA RAO)
JUDICIAL MEMBER

Dated : 18th July, 2018.
Dictated in Open Court.

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