

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.310/01409/2018

Dated Monday, the 29th day of October, Two Thousand Eighteen

PRESENT

**HON'BLE MRS.JASMINE AHMED, MEMBER(J)
&
HON'BLE SHRI T.JACOB, MEMBER(A)**

S.P.Sureshkumar,
S/o.S.Perumal,
No.51, Kumar Apartments,
Ground Floor, 3rd Street,
Jothi Venkatachalam Nagar,
Madambakkam, Chennai 600 126.

... Applicant

By Advocate M/s R.Malaichamy

Vs.

1.Union of India, Rep., by
the Chief Postmaster General,
Tamilnadu Circle, Anna Salai,
Chennai 600 002.

2.The General Manager,
Postal Accounts & Finance,
Tamil Nadu Circle,
No.4, Ethiraj Salai,
Chennai 600 008.

3.The Assistant Chief Accounts officer (Admn.,)
O/o the General Manager,
Postal Accounts & Finance,
Tamil Nadu Circle, No.4, Ethiraj Salai,
Chennai 600 008.

4.The Senior Accounts Officer (Admn)
O/o the General Manager,
Postal Accounts & Finance,
Tamil Nadu Circle,
No.4, Ethiraj Salai,
Chennai 600 008.

5.The Senior Accounts Officer (Pay Group),
O/o. the General Manager,
Postal Accounts & Finance,
Tamil Nadu Circle, No.4, Ethiraj Salai,
Chennai 600 008.

... Respondents

By Advocate Mr.M.Kishore Kumar

ORDER

(Pronounced by Hon'ble Mrs.JASMINE AHMED, Judicial Member)

The applicant has filed this OA under Section 19 of the Administrative Tribunal's Act, 1985 seeking the following relief:

“(i)To call for the records of the 5th respondent pertaining to her order which is made in No.531/PG/Bill-I/KM/2018-19 dated 12.10.2018 and set aside the same; consequent to,
(ii)Refund the amount of recovery if any to the applicant with interest at the rate applicable to GPF deposits; also to
(iii)Direct the respondents to pay PLB bonus with interest at the rate applicable to GPF deposits and
(ii)To pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case .”

2. Heard Mr. R.Malaichamy, learned counsel for the applicant and Mr.M.Kishore Kumar, learned counsel for the respondents. It is the contention of the counsel for the applicant that by letter dated 12.10.2018, the respondents have decided to recover an amount of Rs.81849/- only in ten instalments at the rate of Rs.8184/- for nine months. Learned counsel for the applicant vehemently argues that the respondents will start recovering the amount immediately without giving him any opportunity of being heard.

3. Per contra, learned counsel for the respondents states that the applicant can very well give a representation against the letter dated 12.10.2018.

4. Taking into consideration the arguments placed by both the counsels and also the judgement of the Hon'ble Apex court that whenever civil consequence attracts, the respondents are duty bound to give a notice/show cause notice to its employee. Accordingly, the applicant may give a representation against the letter dated 12.10.2018 within a week from today and the respondents are directed to take a decision by passing a detailed, reasoned and speaking order after receiving the representation within two weeks. Till the time the respondents are taking any decision on the representation to be preferred by the applicant, they

are restrained from making any recovery if the recovery has not yet started and not to do any further recovery.

5. With the above direction the OA is disposed of.

(T.JACOB)
MEMBER (A)

29.10 .2018

(JASMINE AHMED)
MEMBER (J)

M.T.