

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

OA 310/00849/2019

Dated Thursday the 1st day of August Two Thousand Nineteen

P R E S E N T

Hon'ble Mr. T. Jacob, Member (A)

B. Lakshmanan

No. 4/317, Kengarai Kill Hatty
Kotagiri
The Nilgiris District
Pin 643 217.

... Applicant

By Advocate **M/s. P. Rajendran**

1. The Union of India represented by the
Superintendent of Post Offices
Nilgiris Division
Udhagamandalam – 643 001.

2. The Postmaster
Coonoor HO
Pin 643 101. ... Respondents

By Advocate **Mr. Su. Srinivasan**

ORDER

Pronounced by Hon'ble Mr. T. Jacob, Member(A)

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“To call for the records relating to the impugned order of the second respondent in No. AC/ICIR para DLG dated at Coonoor 643 101 the 20.06.2019 and quash the same and direct the respondents to grant all consequential benefits to the applicant and render justice.”

2. Applicant is aggrieved by Annexure A/2 impugned communication dated 20.06.2019 by which it is directed to recover an amount of Rs. 90738/- from the salary of the applicant at Rs. 5000 per month till it is adjusted.

3. The respondents have filed reply statement. It is stated in the reply that as per para no. 11 of the Internal Audit Inspection Report dated 15.04.2019, it was mentioned that since the prescribed training as per DG Posts letter No. 45-14-(i) 2012-SPB-I dated 31.07.2013 was not given to the applicant before appointment and he was drawing pay and allowances in BP I + GP 1800 instead of I-S 4440-7440 + GP Rs. 1300/- resulting in irregular drawal of pay and allowance to the tune of Rs. 90738/- from the date of appointment till July 2018. Hence the recovery from the salary of the applicant was ordered vide IAIR Para No. 11, amounting to Rs. 90,738/-. Accordingly direction was

given vide SPOs, Nilgiris Division letter No. BII/ICIR/Dlg dated 22.04.2019 to the Postmaster, Coonoor H.O and the recovery has been commenced by the Postmaster, Coonoor H.O. at Rs. 5738/- per month with effect from May 2019. As per rules on the subject, the applicant had drawn an amount of Rs. 90738/- in excess of his pay and he is deemed to remit the same to Government accounts.

4. Learned counsel for the applicant submits that the applicant in this OA is similarly placed as that of the applicants in MA 335/2019 & OA No.783/2019 dated 27.06.2019. The applicant states that he would be satisfied if liberty is granted to him to submit a representation against the impugned communication and the competent authority is directed to consider the same in accordance with law pending which the recovery may be directed to be deferred.

5. Learned counsel for the respondents submits that since the impugned communication is dated 20.06.2019 recovery might have commenced already. However, there is no objection to the applicant making representation in this regard.

6. Keeping in view the above submission, the applicant is permitted to submit a representation to the competent authority citing the order of this Tribunal in MA 335/2019 & OA 783/2019 dated 27.6.2019 within a period of not later than one week from today and on receipt of such representation from the applicant, the competent authority shall consider the same in accordance

with law and pass a reasoned and speaking order within a period of four weeks thereafter. Till then no further recovery may be made from the applicant in terms of the impugned communication.

7. OA is disposed of as above. No costs.

(T. Jacob)
Member (A)
.08.2019

AS