

29/8

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

OA. No. 021/669/2017
Dated: 29/08/2017



BETWEEN:

Md. Ameena Bee,
W/o.Late Md. Yakub Ali (Ex.GDSMC)
aged about 58 years,
Occ: Household,
R/o. Boyapalli Village, Tandur SO,
Adilabad District.

..... Applicant

AND

1. The Superintendent of Post Offices,
Adilabad Division,
Adilabad – 504 001.
2. The Postmaster –General,
Northern Region,
Hyderabad – 500 001.
3. The Union of India rep. by
The Chief Postmaster General,
A.P. Circle, Hyderabad – 500 001.

..... Respondents

Counsel for the Applicants : Mr. P. Venkata Rama Sarma, Advocate
Counsel for the Respondents : Mrs. B. Gayatri Varma, Addl. CGSC

CORAM

Hon'ble Mr. Justice R. Kantha Rao, Member (Judl.)
Hon'ble Mrs. Minnie Mathew, Member (Admn.)

ORAL ORDER

{Per Hon'ble Mrs. Minnie Mathew, Member (Admn.)}



Heard learned counsel on both sides.

2. This OA has been filed seeking the following relief:-

“to call for the records pertaining to the orders of the 1st respondent Memo No.B2-Ex gratia/112/2012 dt. 12-12-2014 & further rejection order passed in Lr.No.B2-Ex-gratia/Boyapalli dt. 30.01.2017 is illegal, arbitrary and violative of principles of natural justice and contrary to the law laid down by the Hon'ble Tribunal and Apex Court and direct the respondents to release the withheld amount of Rs.32,889/- together with interest to the applicant in the interest of justice and be pleased to pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.”

3. Learned counsel for the applicant submits that the applicant's late husband while working as GDS MC died in harness on 29.07.2014. After his demise the respondents have recovered an amount of Rs.32,889/- from the exgratia due to him on account of alleged overpayment due to wrong fixation of Time Related Continuity Allowance (TRCA). Despite the representation submitted to the authorities, the 1st respondent has not released the amount that has been withheld from the exgratia of the applicant's late husband. He also submits that in a similar case an aggrieved employee had approached this Tribunal in OA.1044/2013 and that this Tribunal had allowed the OA with a direction to release the withheld amount with interest and ^{that} the said order has been implemented by the authorities as is evident from the Annexure-AI letter dated 30.01.2017. As the applicant is similarly situated he prayed that the OA may be allowed with the same direction.

A handwritten signature in black ink, appearing to be the initials "MM" followed by a flourish.



4. When the case was called today, Mrs. B. Gayatri Varma, learned Standing Counsel submits on instructions that the applicant is similarly situated to the applicant in OA.1044/2013 and that the respondents have implemented the orders of this Tribunal in OA. No.1044/2013 dated 12.08.2015.

5. In view of the settled position of law that similarly situated persons should be granted the same relief without having to resort to litigation and also in view of the dictum laid down by the Hon'ble Supreme Court in *State of Punjab vs. Rafiq Masih*, that recovery on account of erroneous fixation is impermissible in the case of Group C and Group D employees and that the applicants late husband was a Gramin Dak Sevak the applicant is entitled to the relief sought for.

6. Having regard to the above facts and circumstances, the OA is disposed of with a direction to the respondents to refund the withheld amount from the exgratia due to applicant's late husband. The respondents are also directed to pay interest @ 8% p.a. from the date on which the payment was due till the date of actual payment within a period of three months from the date of receipt of a copy of this order. No costs.

प्रमाणित प्रत
CERTIFIED TRUE COPY
केस नंबर
CASE NUMBER OA: 669/17
निर्णय का तारीख
DATE OF JUDGEMENT 29/8/17
प्रति प्रमाणित प्रत तैयार की गई
COPY MADE READY ON 5/9/17


Section Officer / Court Officer
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ/Hyderabad Bench

"Free Copy U/R 22 of
CAT (Procedure) Rules"