

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD (TELANGANA)
NO. 5-10-193, 1ST FLOOR, HACA BHAVAN, HYDERABAD - 500004

Order Sheet

Item no.: 4
O.A./117/2017 (TELANGANA)
[ALLOWANCES]
Court No.: 2

No of Adjournment: 15

Order Dated: 04/02/2025

L SHIVANANDA
Vs
DEPT OF POSTS

For Applicant(s) Advocate : M VENKANNA

For Respondent(s) Advocate : V VINOD KUMAR

Order of The Tribunal

When the matter came up for hearing Mr.A.B.V.L.Pavan Kumar, proxy counsel, representing Mr.M.Venkanna, learned counsel for the Applicant, submitted on behalf of the applicant that as per the letter dated 15.10.2012, of the Department of Posts (Establishment Division), to all the Subordinate Units, the special review to assess the workload before taking a decision to reduce allowance (TRCA), has not been conducted. Therefore, the impugned order, vide Annexure-I, issued by the SPOs on 20.01.2017, reducing to that TRCA scale prior to 01.12.2009 with effect from 01.12.2009 to 30.06.2014, is not correct. It is found that this order has been issued on the basis of the decision of this Tribunal dated 15.11.2016 in OA.No.1001/2014 (Annexure-VII), and after complying with the direction giving reasonable opportunity by mentioning the reasons/grounds for such reduction. The order dated 18.07.2014, impugned in the said OA is annexed as Annexure-VI with this OA.

2. Since it was already directed by this Tribunal to pass a reasoned and speaking order in accordance with rules, as per Para 19 of the order dated 15.11.2016, in OA.No.1001/2014 (Annexure-VII), the contention of the applicant herein is that the order dated 20.01.2017, by its very reading shows, it is cryptic, and the rules regarding special review, as mentioned in the letter dated 15.10.2012, of the Department of Posts (Establishment Division), have been followed. Therefore, it is fit for setting aside.

3. Mr.V.Vinod Kumar, the learned counsel for the Respondents has argued that Para 15 of the earlier order of this Tribunal shows that the issue has been two fold viz., recovery of excess amount and reduction and refixation of TRCA. Having the benefit by getting recovery locked in the light of the judgment in Rafiq Masih's case, he cannot escape the consequences of the second part of the order.

4. The learned counsel for the Respondents is directed to show whether all the steps, mentioned at Para 19 of the earlier order of this Tribunal, have been complied with. He has been given time till 07.02.2025, to get instructions.

5. Post the matter under caption "Part Heard" on 07.02.2025.

Varun Sindhu Kul Kaumudi
Member (A)

/DSN/