



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10449 of 2025

Kunja Bihari Rath* *Petitioner

Mr. Sanjib Mohanty, Advocate

-versus-

Union of India and others* *Opp. Parties

*Mr. P. K. Parhi, DSGI along with
Mr. S. Samantaray, CGC*

CORAM:

THE HON'BLE MR. JUSTICE S.K. SAHOO

THE HON'BLE MR. JUSTICE S. S. MISHRA

ORDER

23.04.2025

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

This writ petition has been filed by the petitioner Kunja Bihari Rath challenging the order dated 22.06.2017 passed in O.A. No.768 of 2013 and the order dated 23.04.2024 passed in R.A. No.260/0010 of 2018 by the Central Administrative Tribunal, Cuttack Bench, Cuttack.

Learned counsel for the petitioner submitted that the petitioner was working as Deputy Divisional Manager, Postal Life Insurance in the Office of the Chief Postmaster General, Orissa Circle, Bhubaneswar. He got



retired from service on reaching the age of superannuation. He approached the learned Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.603 of 2010 challenging the recovery of Rs.19,236/- being the overpaid salary by the order of the Director, Postal Accounts, Mahanadi Vihar, Cuttack dated 18.01.2010 and with a further prayer to draw the pay scale attached to the post of Senior Time Scale in Indian Postal Services, Group-A for the entire period i.e. from 16.08.2006 to 30.04.2009, as he had actually worked in the post as per the orders of the Chief Postmaster General, Orissa Postal Circle, Bhubaneswar.

The said O.A. was disposed of vide order dated 30.03.2012. The learned Tribunal framed two issues for adjudication, i.e,

- (a) recovery of Rs.19,236/- from the gratuity amount of the petitioner, which is stated to have been paid in excess and without authority for the relevant period from 16.08.2007 to 30.04.2008, and
- (b) payment of salary in the Senior Time Scale (STS grade) for the period from 16.08.2006 to 30.04.2009 during which he had performed the duties in the Senior Time Scale Post of DDMPLI.

The learned Tribunal has been pleased to hold that the recovery from the gratuity amount of the petitioner is not sustainable in the eye of law and accordingly, the said order has been set aside. So far as



the payment of Senior Time Scale to the petitioner is concerned, the opposite parties were directed to consider the grievance of the petitioner for compensating him appropriately as per Rules for having discharged his duties in the Senior Time Scale though he was substantially holding a grade B post in the department.

Learned counsel for the petitioner further submits that after the said order was passed by the learned Central Administrative Tribunal, Cuttack Bench, Cuttack, the Assistant Director General (SGP) vide order dated 22.05.2012 rejected the claim of the petitioner holding the same to be not admissible, which was challenged before the learned Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.768 of 2013 and after the O.A. was dismissed, the Review Petition was also filed, which too was dismissed as aforesaid.

Learned counsel for the petitioner submitted that in view of the ratio laid down in the case of ***State of Punjab and another vrs. Dharam Pal*** reported in ***(2017) 9 SCC 395***, the orders passed by the learned Central Administrative Tribunal, Cuttack Bench, Cuttack on 22.06.2017 under Annexure-4 so also the order dated 23.07.2024 under Annexure-5 are not sustainable in the eye of law. He further submits that in a similar matter, Union of India and Chief Post Master General, Odisha Circle, Bhubaneswar in W.P.(C) No.5178 of 2025



challenged the order passed by the learned Central Administrative Tribunal, Cuttack Bench, Cuttack in favour of the employee wherein direction has been issued to pay higher pay to the incumbent for officiating the post of Senior Superintendent, RMS 'N' Division, Cuttack. The said Writ Petition of Union of India has been dismissed vide the order dated 17.04.2025.

Issue notice to the opposite parties on the question of admission indicating therein that the matter shall be disposed of finally at the stage of admission.

Learned counsel for the Union of India accepts notice on behalf of the opposite parties. Extra copies of the writ petition be served on him within a week.

List this matter in the week commencing from 23.06.2025.

Counter affidavit, if any, be filed in the meantime.

(S.K. Sahoo)
Judge

(S. S. Mishra)
Judge