

6

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.1341 of 2001

New Delhi, this the 17th day of September, 2001

HON'BLE MR.V.K.MAJOTRA, MEMBER (ADMN)
HON'BLE MR.KULDIP SINGH, MEMBER (JUDL)

D.N.Sharma,
S/o Shri Jagan Nath Prasad Sharma,
Junior Telecom Officer,
Office of the Sub-Divisional Officer (Telecom)
KOSHI KALAN (Distt. Mathura).

Permanent residential Address.

House No.6, Surya Nagar, Goverdhan Road,
Post Office, Krishan Nagar, Mathura (U.P)-281004.

-APPLICANT

(By Advocate: Shri D.N.Sharma)

Versus

1. Union of India, through
The Secretary to the Government of India,
Ministry of Communication,
Department of Telecommunication,
Sanchar Bhawan, New Delhi.
2. The Chief General Manager Telecom (West),
U.P.Circle, Dehradun (U.P).
3. The General Manager Telecom,
Bharat Sanchar Nigam Ltd.,
Agra (U.P).
4. The Telecom District Manager,
Bharat Sanchar Nigam Ltd.
Civil Line, Mathura (U.P).
5. The Sub-Divisional Engineer,
(E-10-B) Exchange,
Sanjay Place, Agra (U.P).

-RESPONDENTS

(By Advocate: Shri R.P.Aggarwal)

O R D E R (ORAL)

By Hon'ble Mr.V.K.Majotra, Member (A)

The applicant has challenged Annexure A-1 dated 5.3.2001 and Annexure A-2 dated 4.4.2001 whereby Accounts Officers have passed orders for recovery of a sum of Rs.8 lacs from the salary of the applicant. It is alleged that the aforesaid recovery has been ordered

11

without adopting the prescribed procedure and that these orders have not been passed by any competent authorities as well. The applicant has sought following reliefs:-

- (a) That the said recovery of Rs. Eight Lacs thrust upon the applicant arbitrarily without any justification, without serving on him any Show Cause Notice by the Competent Authority and without following any procedure known to law, may kindly be set-aside by the orders of this Hon'ble Tribunal.
 - (b) That any such recovery effected from the salary of the applicant, may kindly be ordered to be refunded to the applicant with 12% penal interest for the duration of its retention of recovered amount.
 - (c) Issue any other and further orders, which may be deemed fit and proper in the circumstances of this case in order to safe-guard the interest of justice.
- and;
- (d) allow costs of this application.

2. Despite sufficient opportunities having been granted to the respondents to file their reply, they have failed to file the same.

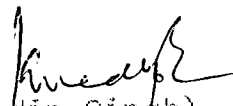
3. We have heard the learned counsel on both sides and considered respective pleadings and material on record.

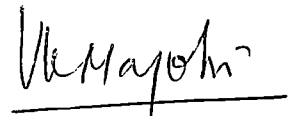
4. Since the respondents have not filed any counter to the OA and learned counsel of the respondents has also not controverted the allegations made in the OA, it is held that proper procedure had not been followed for ordering recovery of Rs.8 lacs from the applicant. Applicant further stated that the orders of recovery had not been passed by any competent authority. In this

h

8

background, Annexures A-1 and A-2 are quashed and set aside. The respondents, of course, will have liberty to hold an enquiry as per the Rules and prescribed procedure. No costs.


(Kuldip Singh)
Member(J)


(V.K. Majotra)
Member(A)

17.9.2001

/kd/