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Central Administrative Tribunal
Principal Bench

O.A. No. 3191 of 2001

New Delhi, dated this the 28th November 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1. Shri Jai Singh,
S/o Shri Sukhwa,
Booking Supervisor,
Baraut.

2. Shri Ram Karan Chauhan
S/o Shri Hira Lal
Booking Supervisor,
Shakhurbasti.

.. Applicants

(By Advocate: Shri B.S. Mainee)

Versus

1. Union of India through
the General Manager,
Baroda House,
New Delhi.

2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.

.. Respondents

ORDER

S.R. ADIGE, VC (A)

Applicant impugns Respondents' order dated 22.10.2001 (signed on 25.10.2001) (Annexure A-1) ordering certain recoveries from them, and directing them to deposit the sum within 15 days from the date of issue of the same failing which the same shall be recovered from their salaries. Applicants were also asked to treat the aforesaid order as show cause notice.

2. We have heard Shri Mainee for applicant.

3. This O.A. can be, and is, disposed of at

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this preliminary stage without considering it necessary to issue a notice to Respondents, with the following directions:-

- i) Respondents should grant time till 31.12.2001 to enable applicants to file their reply to the aforesaid show cause notice dated 22.10.2001.
- ii) Respondent should dispose of any representations filed by applicants pursuant to (i) above, by detailed, speaking and reasoned order in accordance with rules and instructions under intimation to applicants within two months from the date of receipt of copy of such representation. If respondents decide to reject the representation in full or in part the rules and instructions under which the recoveries are ordered should specifically be cited.
- iii) After exhausting the available statutory remedies, including filing of appeal, if any grievance still survives, it will be open to applicants to agitate the same through appropriate original proceedings in accordance law, if so advised.

4. Till applicants' representation is disposed of by detailed speaking and reasoned order, pursuant to above direction no recoveries shall be made from applicants pursuant to the impugned order dated 22.10.2001 and in the event the same has been made, it shall be refunded forthwith.

4A. If applicants fail to file any representation within the aforesaid period, it will be open to respondents to take appropriate action in accordance with law, pursuant to the impugned order dated 22.10.2001.

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5. The O.A. stands disposed of at this preliminary stage with the above directions.

6. Let a copy of the O.A. be enclosed with this order.

A Vedavalli

(Dr. A. Vedavalli)
Member (J)

S.R. Adige

(S.R. Adige)
Vice Chairman (A)

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