

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 1667/99

New Delhi this the 25th day of January 2000

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)

Bansi Lal
S/o Shri Amar Chand
working as SDE (Transmission Installation)
Officiating Office of GMTD, Sector-16,
Faridabad.

...Applicant

(By Advocate: Shri M.K. Gaur
proxy for Shri U.Srivastava)

Versus

1. Union of India, through
The Secretary,
Ministry of Communication,
Deptt. of Telecom, Sanchar Bhawan,
New Delhi.
2. The Chief General Manager,
Telecom, Haryana Circle,
Ambala (Haryana)
3. The General Manager
Telecom Distt, Sector-16,
Faridabad (Haryana)
4. Telecom Distt. Manager
(Near Civil Hospital) Rewari
(Haryana)

...Respondents

(By Advocate: Shri Harvir Singh
proxy for Mrs. P.K. Gupta)

ORDER (Oral)

By Reddy, J.-

The applicant was working as SDE in the Office of Chief General Manager Telecom, Distt. Faridabad (Haryana). He was granted a temporary advance of Rs. 10,000/- on 19.2.97 for bringing the telecom stores from Gurgaon to Dharuhera. The applicant purchased the same and submitted the vouchers for the purchase of this goods and the expenses incurred towards labour. But the respondents found that the vouchers regarding labour expenses are inflated



and bogus. The respondents disallowed an amount of Rs. 6612/- and the said amount sought to be recovered from the applicant's salary from the month of July and August 1997.

15

2. It is the main grievance of the applicant that the entire salary for the month of July has been recovered from him and that it is contrary to Rule-108 of the P&T Manual Vol-III. It is the case of the respondents that the applicant has manipulated some bills. Hence those bills were not approved by the concerned authority. It is stated that for the month of July 1997 an amount of Rs. 4972/- and for the month of August 1997 an amount of Rs. 1640/- have been deducted.

3. Heard the counsel for the applicant and the respondents. The bills produced by the applicant have to be approved by the concerned higher authority. It is stated that he has taken a view that the bills are inflated. I do not agree with the argument of the counsel for the applicant that a notice ought to have been issued in this case before seeking recovery. When an officer concerned found that the bills are not correct, it is not a case of penalty that was imposed against the applicant. Whatever the bills the concerned authority approves it will be paid. It is true that as stated by the learned counsel for the applicant that full salary of the applicant has been deducted from the month of July 1997. The

CAB

rules relied upon by the applicant are not applicable to the present case as they relate to recovery in penalty proceedings. However, I am of the view that it will cause great hardship if the applicant's entire salary is deducted towards the recovery. 16

4. In the circumstances, I direct the respondents to deduct only one third from the salary for each month until the entire amount has been recovered. Consequently the respondents is directed to refund the two third of the salary that is already deducted from the salary of the applicant for the month of July, 1997. In the circumstances, the OA is partly allowed. No costs.


(V. Rajagopala Reddy)
Vice-Chairman (J)

cc.