

CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

OA.No.1796 of 1999

New Delhi, this 9th day of April 2001

HON'BLE SHRI M.P.SINGH, MEMBER(A)

S.P. Singh
S/o Shri Bhoop Singh
R/o B-332 NTPC Vidyutnagar
Ghaziabad

... Applicant

(By Advocate: Shri V.K.Rao)

versus

1. Kendriyala Vidyalaya
Through its Commissioner
New 14 Mehrauli Road
J.N.U. Campus
New Delhi

2. The Principal
Kendriya Vidyalaya
NTPC Vidyut Nagar
Ghaziabad

... Respondents

(By Advocate: Shri S. Rajappa)

ORDER(oral)

The applicant has filed this OA against
Inspection Memo No.24 issued by respondent no.2
whereby it has been decided to recover the cost
of the material which is allegedly to have been
stolen/lost.

2. The brief facts of the case are that the
applicant was initially appointed as Work
Experience Teacher in 1984 at Kendriya Vidyalaya
No.2 at Haridwar, U.P. and thereafter he was
transferred to Kendriyala Vidyalaya, NTPC,
Vidyutnagar, Ghaziabad (Vidyalaya, for short) on
19.1.1993. There he was made In-charge of



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certain store items of the Vidyalaya. Earlier, one Shri Darinder Kumar was In-charge of the stores in the Vidyalaya. One of the items, viz. Convector of make Sunflow was stolen from the stores on 12.1.1993 during the tenure of his predecessor Shri Darinder Kumar. According to the applicant, another theft has been committed during the night of 15/16.1.1994 and one V.C.R. was stolen from the stores. The matter was reported by the applicant to the Principal of the Vidyalaya. Thereafter, there was another theft on 20.8.1994 in the Vidyalaya which resulted in the loss of one Amplifier. In April 1999 an Audit Team had come and in pursuant to the audit report, the responsibility for loss of these items has been fixed on the applicant. On coming to know of the fact that the respondents are fixing the responsibility on him, he has requested the respondents to supply him a copy of certain documents which included a copy of FIR and the copy of the report of the Executive Committee formed at the time of the theft of Amplifier. Instead of giving him the same, the respondents without giving proper opportunity, issued a Memo to the applicant and decided to recover the cost of the stolen articles from him. Aggrieved by this, he has filed this OA.



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3. The respondents have contested the case and have stated that the applicant was given the opportunity before the impugned order was passed. In fact, he had consented to the recovery being made in writing and after having given the consent, as an after-thought, has filed the above OA only to frustrate the Kendriya Vidyalay Sangathan from recovering the dues from him. This is amply clear from the fact that the applicant knew fully well that he was responsible for the stocks of articles in the stores which were in his custody. According to the respondents, the police had categorically submitted a report that the articles mentioned in the Inspection Memo were not involved in any theft. They have further submitted that an Independent Theft Committee set up to go into the aspect, has also found that no theft has taken place. According to the Accounts Code of Kendriya Vidyalaya Sangathan, if it is established that no theft has taken place, then the person who is In-charge of the stocks/articles is responsible for the missing items. Moreover, the applicant had consented in writing to the recovery being effected on him on a monthly basis which in law means that he has acquiesced into the action of recovery and, therefore, under these circumstances, no violation of the principles of natural justice

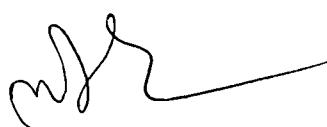


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has taken place. In view of the aforesaid reasons, the OA is liable to be dismissed.

4. Heard both the learned counsel for rival contesting parties and perused the record.

5. The question for consideration before me is whether the respondents are justified in effecting the recovery for the loss caused to the Vidyalaya property as a result of the missing items. It has been confirmed by the police report as well as the report of the Independent Theft Committee that no theft has been taken place. It is, therefore, clear that loss is caused to the Vidyalaya property due to the negligence of the applicant. As per rule, the applicant should have taken care of the Vidyalaya property as his own property. According to the Accounts Code of Kendriya Vidyalaya Sangathan, if it is established that no theft has taken place, then the person who is In-charge of the stocks/articles is responsible for the missing items. In this case it has been established that no theft has taken place and loss is caused due to the negligence/carelessness of the applicant. The respondents are, therefore, justified in making recovery from the salary of the applicant to make good the loss caused to the Vidyalaya property. The respondents had decided to recover



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the amount for the loss ~~of money items~~ from the applicant in four equal monthly instalments. However, in order to mitigate the hardship ~~caused~~ to the applicant, the respondents may, instead of recovering the amount in four equal instalments from the applicant, recover the balance amount from him at the rate of Rs.1500 per month from his salary.

6. With the above observations, the OA is finally disposed of. No order as to costs.


(M. P. Singh)
Member (A)

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