

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 2528 OF 1999

NEW DELHI THIS THE 4 th DAY OF MAY, 2001.
HON'BLE SHRI KULDIP SINGH, MEMBER(J)

1. Bachan Dass, S/o Shri Girwar Singh,
Sr. Mate, Northern Railway, Delhi Division,
Tuglakabad R/o Quarter No. C-1 Rly. Colony,
Tuglakabad, New Delhi.
2. Badree Prasad S/O Sh. Jaharee Lal K. Man,
Northern Railway, Delhi Division Tuglakabad.
R/O Quarter No. 100 C1, Rly. Colony,
Tuglakabad New Delhi.
3. Chottey Lal S/o Shri Bihari, Trk Man
Northern Railway, Delhi Division Tuglakabad.
R/O Quarter No. 80 B1, Rly. Colony,
Tuglakabad New Delhi.
4. Tej Singh, S/O Sh. Bihari Sr. Mate
Northern Railway, Delhi Division Tuglakabad.
R/O House No. 60 N, Rly. Colony,
Tuglakabad New Delhi.
5. Bhagirathi S/O Sh. Ramjeen Hammerman,
Northern Railway, Delhi Division Tuglakabad.
R/O Quarter No. 62-A1 , Rly. Colony,
Tuglakabad New Delhi.
6. Phool Singh S/O Sh. Shyam Lal Mate
Northern Railway, Delhi Division Tuglakabad.
R/O Quarter No. 5901, Rly. Colony,
Tuglakabad New Delhi.
7. Jaidev S/O Shri Babooram Tro Man
Railway Colony Tuglakabad.
R/O Quarter No. 60 B, Rly. Colony,
Tuglakabad New Delhi.
8. Kishan Lal S/o Sh. Keshari T/ Man
R/O Quarter No. 60 C 3, Rly. Colony,
Tuglakabad New Delhi.
9. Shyam Singh S/O Shri Rustam Singh Chowkidar
R/O Quarter No.77 B1, Rly. Colony,
Tuglakabad New Delhi.
10. Prem S/O Khyali Ram Sr. Mate
R/O Quarter No. 60 A3, Rly. Colony,
Tuglakabad New Delhi.
11. Hanuman Prasad, Keman
R/O Quarter No. 79 D3,, Rly. Colony,
Tuglakabad New Delhi.
12. Jagprasad, Khalasi,
R/O Quarter No. 59 B1, Rly. Colony,
Tuglakabad New Delhi.Applicants.
(By Advocate:Sh.M.K.Bhardwaj)

VERSUS

Union of India
through:-

1. The General Manager,
Northern Railway Baroda House,
New Delhi.
[[A]
2. The Divisional Railway Manager,
Northern Railway Delhi Division.
DRM Office , Paharganj, New Delhi.
3. The Assistant Engineer, Northern Railway,
Delhi Division, Tuglakabad, New Delhi.
4. The Section Engineer (PW)~
Northern Railway, Delhi Division.
Tuglakabad, New Delhi. Respondents.
(By Advocate: Shri R.L.Dhawan)

O R D E R (ORAL)

By Hon'ble Shri Kuldip Singh, Member(J):

The applicants have filed this OA under section 19 of the Administrative Tribunals Act, 1985 whereby they are aggrieved by the act of respondents in starting recovery from their Pay at the rate of Rs.500/- per month without assigning any reason and without giving them any show-cause notice as such it is in violation of Rule 11 of RS D & AR, 1968. Applicants have ,therefore, prayed for the following reliefs:-

- a) To declare the act of the respondents in starting recovery from the pay of the applicants arbitrarily without assigning any reason, as illegal, arbitrary & void ad initio;
- b) To restrict the respondents from continuing any recovery from the monthly pay of the applicants & to refund the amount already recovered;



c) To pass such other & further orders which their lordships of this Hon'ble Tribunal deem fit & proper in the existing facts and circumstances of the case; and

d) To allow the present OA with cost of the litigation.

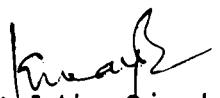
2. Heard the learned counsel for both parties and perused the mater available on record.

3. After persuing the notices I find that the same have not been served upon the applicants as such no opportunity was assigned to rebut the same. It is pertinent to mention here that the respondents have straightway issued order directing that recovery be made and as illegal construction has been raised by each of the applicants. The principle of natural justice require that at least a show cause notice should have been issued to the applicants before starting the recovery.

4. In view of the above, OA is allowed and recovery made in pursuance of the impugned order is quashed. Recovery already made by the respondents may be refunded to the applicants within a period of three months. However respondents are at liberty to issue notice to applicants and after affording them an opportunity of hearing may proceed in accordance with



law, rules and instructions on the subject. If, thereafter, any grievance survives, the applicants will be at liberty to approach this Tribunal again by filing a fresh OA. No costs.


(Kuldip Singh)
Member (J)

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