

Central Administrative Tribunal
Principal Bench: New Delhi

OA 2578/96
MA 1905/97

New Delhi this the 3rd day of October 1997.

Hon'ble Dr Jose P.Verghese, Vice Chairman (J)
Hon'ble Mr S.P.Biswas, Member (A)

(50)

Smt Ladwati, Mazdoor (Civilian)
Widow of late Shri Om Singh
Office of the Commandant
509, EME, Army Base Workshop
Agra Cantt.
R/o C/o Shri Churamani
Village Mewati-ka-Nagla
Post Maholi
Dist. Mathura (U.P.). ...Applicant.

(By advocate: Mr D.N.Sharma)

Versus

Union of India through

1. The Secretary
Ministry of Defence
South Block
New Delhi.
2. The Quarter Master General
Quarter Master General's Branch
Army HQs., DHQ Post Office
New Delhi.
3. The Commandant
3 Reserve Petroleum Depot
A.S.C. Mathura.
4. The Commandant
509 EME, Army Base Workshop
Agra Cantt. ...Respondents.

(By Advocate : Shri K.R. Sachdeva)

O R D E R (oral)

Hon'ble Dr. Jose P.Verghese, Vice Chairman (J)

The petitioner had filed this OA on 27th November 1996 challenging the order of recovery passed against her for Rs.10,749 said to be on account of financial irregularities by submitting false medical claims. The main ground of challenge of the said order of recovery by the petitioner was that the penalty order was passed by an authority

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who is not competent to do so. The petitioner had filed an appeal and the appellate order dated 3rd October 1996 also indicates on the face of it that the appellate authority is the competent authority. In any case, the dispute as to who is the competent authority seems to have been settled by the real competent authority in another case of one Shri Mantu Ram wherein the Under Secretary, Ministry of Defence passed an order stating that such orders shall be Presidential orders.

2. In view of the said orders, respondents are directed to have appropriate orders passed by the competent authority within a period of 2 months from the date of receipt of a copy of this order, and in the circumstances, both the orders of the so-called competent and appellate authority are set aside, granting liberty to the respondents to pass appropriate orders.

3. OA and MA are disposed of accordingly.


(S.P. Biswas)

M(A)


(Dr. Jose P. Verghese)

VC(J)

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