

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

C.P. No.189 of 1996
in
O.A. No. 314 of 1996

New Delhi, dated this the ^{16th October} ~~16th October~~, 1996

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

Shri Vijay Pal,
S/o Shri Ram Charan,
R/o 5/299B Siddharth Nagar,
(Chaharpur) P.O. Banna Devi,
Aligarh (U.P.) PETITIONER
(By Advocate: Shri Yogesh Sharma
Proxy counsel for Shri V.P.Sharma)

VERSUS

Shri S.M.N. Chopra,
Divisional Railway Manager,
Northern Railway,
Allahabad. RESPONDENTS

(By Advocate: Shri B.S.Jain)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

We have heard Shri Yogesh Sharma proxy counsel for Shri V.P. Sharma for the applicant and Shri B.S.Jain for the respondents.

2. Shri Jain very fairly concedes that no show cause notice was given to the applicant before the recoveries of Rs.998/- p.m. began to be made from the applicant's salary from December, 1994.

3. It is well settled that such action, which has a ^{Civil} ~~financial~~ consequence, should not be taken unless the person from whom the recovery has to be made is given a reasonable opportunity of showing cause for such action.

A

4. We accordingly dispose of this O.A. with a direction to the Respondents that in the first instance they will serve a show cause notice on the applicant, indicating why they propose to make recoveries from him and give him a reasonable opportunity of filing a representation against the same and dispose of that representation in accordance with law within two months from the date of receipt of a copy of that representation.

5. Till such time, as the applicant's representation is not disposed of, the Respondents should not make any recoveries from his salary. In the event that the Respondents hold that the recoveries are not justified they should refund the recoveries already made to the applicant, within one month from the date of a copy of their order.

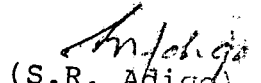
6. In so far as CP-189/96 is concerned Shri Yogesh Sharma states that the applicant has not been refunded the sum recovered from him after the issue of interim direction dated 15.2.96. We note from our previous order dated 9.9.96 that respondents' counsel had stated at the bar that a cheque in regard to the amounts already recovered from the applicant was ready and he only had to collect the same from Allahabad, and further recoveries had been stayed pursuant to our earlier orders. We have no reason to doubt this statement and accordingly dismiss the C.P. and discharge the notices against the Respondents.

7. Both the OA-314/96 and the C.P. No.189/96 accordingly stand disposed of. If after disposal of the applicant's representation pursuant to the directions in paragraph 4 and 5 above, any grievance still survives, it will be open to the applicant to agitate the same through appropriate original proceedings in accordance with law if so advised. No costs.



(Dr. A. Vedavalli)
Member (J)

/GK/


(S.R. Adige)
Member (A)