

Central Administrative Tribunal
Principal Bench: New Delhi

OA 1455/97

New Delhi this the 15th day of December 1997.

Hon'ble Mrs Lakshmi Swaminathan, Member (J)
Hon'ble Mr R.K.Ahooja, Member (A)

Shri Suresh Pal Singh
(U.D.C.): Northern Railway
Delhi Division
Railway Station Tuglakabad
New Delhi.

...Applicant.

(By advocate: Shri A.K.Bhardwaj)

Versus

UNION OF INDIA THROUGH

1. General Manager
Northern Railway
Baroda House
New Delhi
2. Divisional Railway Manager
Northern Railway
DRM Office (Divisional Office)
State Entry Road
New Delhi
3. Divisional Personnel Officer (Pay)
Northern Railway
DRM office
Delhi Division, New Delhi.
4. Divisional Commercial Manager
DRM office
Northern Railway
State Entry Road
New Delhi.

(By advocate: Mr R.L.Dhawan)

O R D E R (oral)

By Mrs Lakshmi Swaminathan, Member (J)

The applicant, an employee of the respondents, has impugned the respondents' order dated February, 1997, ordering recovery of an amount

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of Rs.2,43,448/- from his pay. His grievance is that this order has been passed without issuing a show-cause notice. Learned counsel for the applicant submits that this order is wholly illegal, arbitrary, violative of the principles of natural justice and, therefore, should be quashed.

2. Respondents have filed a reply in which they have submitted, inter-alia, that the competent authority, after considering his appeal, has ordered that the recovery may be stopped henceforth and this has been done, pending a final decision on the charge-sheet issued to him on 10.6.1997 under Railway Servants (Discipline & Appeal) Rules, 1968. Learned counsel for the applicant has submitted that since the respondents have themselves stayed the operation of the impugned order of recovery, the respondents have admitted their wrongful act and, therefore, the impugned order should be quashed. The learned counsel further submits that in the circumstances, whatever amount has been recovered by the respondents so far should also be returned to the applicant, subject to finalisation of the disciplinary proceedings.

3. We have considered the pleadings and the submissions made by the learned counsel. The Tribunal by order dated 13.6.97, had directed the respondents not to make any further recoveries from the applicant in pursuance of the impugned order passed in February, 1997. This order has been complied

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with and it is also noted that the respondents have themselves taken a decision that no recoveries shall be made in respect of the alleged loss caused by the applicant till finalisation of the disciplinary proceedings pending against him.

4. In the facts and circumstances of the case, we think it appropriate to direct the respondents to return whatever amount has been recovered in pursuance of the impugned order to the applicant within two months from the date of receipt of a copy of this order. This will be without prejudice to any further action being taken, in accordance with law.

The OA is disposed of as above.

R.K. Ahooja
(R.K. Ahooja)
Member (A)

Lakshmi Swaminathan
(Smt Lakshmi Swaminathan)
Member (J)

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