

Central Administrative Tribunal
Principal Bench

O.A. No. 2281 of 2000

New Delhi, dated this the 7th February 2002

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. SHANKER RAJU, MEMBER (J)

Chand Khan,
Cook (Civilian),
S/o Shri Babu Khan,
Office of the Officer Commanding,
Military Hospital, Mathura Cantt.
R/o Village Narhauili, Post Aduki,
District Mathura, U.P.

.. Applicant

(By Advocate: Shri D.N. Sharma)

Versus

1. Union of India through
the Secretary,
Ministry of Defence,
South Block,
DHQ Post Office,
New Delhi.
2. The Director General of Medical Services
(DG MS-3) (B) A.G. Branch,
'L' Block, D.H.Q., Post Office,
New Delhi.
3. The Quarter Master General (ST-12),
Quarter Master General's Branch (Q1 (c),
Army Headquarters,
D.H.Q. Post Office,
New Delhi.
4. The Commandant,
264-Supply Depot, A.S.C.,
Kanpur Road,
Allahabad, U.P.
5. The Commandant,
Military Hospital,
Mathura, U.P.

.. Respondents

(By Advocate: Shri A.K. Bhardwaj)

ORDER

S.R. ADIGE, VC (A)

In this O.A. filed on 9.10.2000 applicant
impugns the recovery of Rs.19,777/- made from his
salary in monthly instalments between the period

September, 1995 and August, 1998.

2. Applicant contends that the aforesaid recoveries made from his salary amount to a penalty under Rule 11 (iii) CCS (CCA) Rules, and the same could not have been effected without following the prescribed procedure of initiating a departmental enquiry. In the present case applicant contends that he was not even put to notice before the recoveries were ordered, and contends that his representations dated 17.9.97 (Annexure A-3) and dated 28.1.98 (Annexure A-4) have also remained unreplied to.

3. Respondents in their reply challenge the O.A. They contend that it is barred by limitation. It is asserted that the aforesaid recoveries were effected because applicant was involved in a disciplinary case of financial irregularities relating to false medical reimbursement claim during 1991-93. It is stated that a show cause notice was issued to him on 10.8.1995 to deposit the amount, and initially a sum of Rs.3000/- was recovered from him and thereafter recoveries @ Rs.500/- p.m. were made from his pay and allowances.

4. In his rejoinder applicant has annexed copies of certain CAT orders whereby under similar circumstances, either the order of the disciplinary authority had been quashed with liberty given to respondents to proceed according to law, or

respondents had been directed to pass speaking orders on the representations submitted by those applicants after giving them a reasonable opportunity of being heard. It appears to us that applicant has filed the present O.A. after being made aware of these orders of C.A.T.

5. As applicant has already made representations to respondents on 17.9.97 and again on 18.1.98, we dispose of this O.A. with a direction to respondents to give applicant a reasonable opportunity of being heard in person, and thereafter dispose of those representations in accordance with rules and instructions under intimation to applicant within three months from the date of receipt of a copy of this order. While doing so, respondents shall in their order spell out in detail the reasons on the basis of which they have ordered the aforesaid recoveries from applicant's emoluments. Thereafter if any grievance still services it will be open to applicant to agitate the same in accordance with law if so advised.

6. The O.A. is disposed of in terms of Para 5 above. No costs.

S. Raju
(Shanker Raju)
Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

karthik