

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 703/2000

New Delhi, this the 4th day of May, 2001

HON'BLE MR. S.A.T.RIZVI, MEMBER (A)

B.S. Saxena, L.D.C.
Central Ordnance Depot,
Delhi Cantt.
New Delhi.

... Applicant

(Applicant in person)

V E R S U S

1. Union of India through
Secretary,
Ministry of Defence, New Delhi.
2. The Director General of Ordnance Services,
Master General of Ordnance Branch,
Army Headquarter DHQ P.O.
New Delhi -110011.
3. The Army Ordnance Corps Records,
P.B.No.3, Trimulgherry P.O.,
Secunderabad - 500 015.
4. The Commandant,
Central Ordnance Depot,
Delhi Cantt., New Delhi.
5. C.D.A.,
Western Command,
Chandigarh.
6. Dy. Controller,
Area Account Officer,
C O D Delhi Cantt
New Delhi.

... Respondents

(By Advocate: Ms. Meenu Mainee)

ORDER (ORAL)

By S.A.T. Rizvi, Member (A):

Heard the applicant in person and learned
counsel for the respondents.

2. The applicant is aggrieved by the recovery of
Rs.3,006/- in lumpsum from his salary bill in
respect of March, 2000. According to him, no show

d

(2)

cause notice was issued before the aforesaid recovery was made.

(B)

3. The learned counsel appearing on behalf of the respondents avers that the aforesaid recovery has been made in consequence of the penalty order dated 28th October, 1997 (Annexure A-I). By the aforesaid penalty order increments due to the applicant for two years have been stopped without recurring effect. The learned counsel submits that after passing of the aforesaid order, the next increment became due to the applicant in January, 1998 which was paid though the same should not have been paid. In the following January, 1999, by which time the aforesaid order of penalty had come to the concerned respondents notice the increment due was not paid. From January, 2000 onward he is being paid all the increments that had become due. In the process the annual increment paid to him from January, 1998 onward became recoverable and the same was recovered by the respondents by deducting the amount of Rs.3,006/- from the applicant's salary bill in respect of March, 2000. The applicant in person has taken the plea that the Administrative Officer, a Lt. Col. in COD who has passed the order of penalty was not competent to do so. According to him, his appointing authority is Commandant and he alone is competent to inflict the penalty aforesaid. However, he has not shown the relevant rules to indicate that the aforesaid Administrative Officer/Lt. Col. was not competent to pass orders

2/

(3)

as disciplinary authority. The learned counsel appearing for the respondents insists that the penalty order is a competent order and cannot be questioned.

4. In the circumstances, the OA is dismissed summarily. No costs.

S.A.T. Rizvi

(S.A.T. Rizvi)
MEMBER (A)

/ravi/