

5

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 1775/88

Date of decision 13.3.1991

S.N. Tikko & Ors

... Applicants

vs

Union of India & Another

... Respondents

Coram:

Hon'ble Mr Justice Amitav Banerji, Chairman

Hon'ble Mr I.K. Rasgotra, Member (A)

For the Applicants

... Shri R.P. Oberoi,
counsel

For the respondents

... Shri M.L. Verma,
Counsel

(Judgement of the Bench delivered by
Hon'ble Mr Justice Amitav Banerji, Chairman)

The four applicants, Shri S.N. Tikko, Shri A. Basheer Khan, Shri D.B. Krishna and Shri C.S. Patil have approached this Tribunal for relief against the recovery of a sum of Rs. 33,576 from each of the applicant and one third of the alleged fee received by them without prior permission of the Department. The applicants' case is that they had not received any such fee and the recovery of the amount is bad in law. They have prayed for the quashing of the alleged order dated 7.3.1988 (Annex 'A' to the O.A.).

It is not necessary to reiterate other facts in this case as these four applicants were members of a team comprising 13 officials of the department of Archaeological Survey of India who had been sent on deputation to Bahrain under Indo-Bahrain Archaeological excavation programme in November, 1984 vide order dated 28 November, 1984.

We have already considered this matter in the case of
S.S. Saar & Ors vs Union of India in the O.A. No.1066/88
in which judgement has been pronounced on 17.4.1990.

Shri S.S. Saar & Ors were also members of the same team as
the applicants.

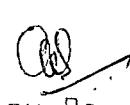
Learned counsel for the applicant stated that the
facts in the OA are exactly the same as in the case of
S.S. Saar & Others and the same questions of law arise
and they rely on the decision of the Division Bench in
the case of S. S. Saar (Supra).

We have heard learned counsel for the applicant,
Shri R.P. Oberoi. None appear for the respondents. The
pleas taken by the respondents are similar to those that
had been taken in the previous case.

We are satisfied that the decision in the case of
S.S. Saarr vs. Union of India & Ors (Supra) is fully
applicable to the facts in the present case and the
conclusions we have reached in the case are also our
conclusions in the present case.

In view of the above, we quash the Office
Memorandum No. 7-21/85-Vig(PT) ADM dated 2.2.1988/7.3.1988
issued by respondent No. 2 directing the applicant No. 1 to
pay in lump sum Rs. 33,576 or to face recovery of the said
amount from his emoluments. We leave the parties to bear their
own costs.


(I.K. Rasgotra)
Member (A) 13/3/91


(Amitav Banerji)
Chairman