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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 122/87
T.A. No.

1987.

DATE OF DECISION 6.7.1987

Shri B.R. Murgai

Petitioner

Shri D.P. Avinashi,

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Shri K.C. Mittal

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.C. Mathur, Vice Chairman.

The Hon'ble Mr. Ch. Ramakrishna Rao, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ? NO
3. Whether their Lordships wish to see the fair copy of the Judgement ?

Ch. Ramakrishna Rao
(Ch. Ramakrishna Rao)
Judicial Member

B.C. Mathur
(B.C. Mathur)
Vice Chairman.

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: DELHI

Regn.No.OA-122/87

Date:6.7.1987

Shri B.R.Murgai

...Applicant.

Versus

Union of India & Ors.

...Respondents.

For applicant.

...Shri D.P.Avinashi,
Advocate.

For respondents.

...Shri K.C.Mittal,
Advocate.

CORAM: Hon'ble Shri B.C.Mathur, Vice Chairman.
Hon'ble Shri Ch.Ramakrishna Rao, Judicial Member.

JUDGEMENT
(Delivered by Shri B.C.Mathur)

The applicant has filed this case against impugned order dated 11.11.1986 of the Ministry of Human Resource Development, Department of Woman and Child Development, New Delhi deducting a contingent advance of Rs.500/- alleged to have been drawn on 7.10.85 by the applicant from his salary for the month of November,1986. The case of the applicant is that although he never received the said advance of Rs.500/- from Respondent No.3 to meet the emergent exigencies of the department, he gave a receipt for Rs.500/- to the respondent No.3 in good faith.

2. The applicant had prayed for the examination of the relevant documents, namely, the cash register, receipt books etc. and these were to be produced before the Court. The learned Counsel for the applicant has prayed:

- (i) that the ends of justice would be met if any senior officer in the Ministry of Human Resources Development, where the applicant works, could examine the documents and verify the claim of the applicant;
- (ii) that since the four Under Secretaries, namely, Shri Rajinder Mishra, Shri G.A.Suman, Shri Suman Nayyar and Shri M.G.Swaminathan were concerned with the decision to deduct Rs.500/- from the salary of the applicant, any other officer could be asked to hold the inquiry to arrive at the truth; and



(iii) till the matter is decided the salary which is due to him may be paid deducting a sum of Rs.500/- in question.

The Advocate for the respondents accepts this position.

3. As the applicant is willing to accept an enquiry by any Departmental Officer to arrive at the truth, we direct Respondent No.1 to nominate any senior officer of the Ministry of the rank of an Under Secretary or above, other than the four officers mentioned above, to enquire into the matter and take appropriate action. It is not our intention to cast any aspersion ~~in~~^{or} doubt on the fairness of the four officers concerned, but as there are a number of officers available in the Ministry, any other officer could hold an enquiry into the matter to arrive at the truth.

4. The application is disposed of accordingly.

Enthamakal
(Ch. Ramakrishna Rao)
Judicial Member

Benevolent
(B.C. Mathur)
Vice Chairman