

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA No. 304/87

.. Date of decision: 5.3.93

Sh. T.K. Bakshi

.. Applicant

Versus

Union of India & ors.

.. Respondents

For the applicant

.. Sh. Ashish Kalia, Counsel

For the respondents

.. None

CORAM

Hon ble Sh. B.N. Dhoundiyal, Member (A)

Hon ble Sh. A.K. Sinha, Member (J)

1. Whether Reporters of local papers may be
allowed to see the judgement?

yes

2. To be referred to the Reporters or not ?

no

J U D G E M E N T

(Of the Bench delivered by Hon ble Sh. B.N. Dhoundiyal,
Member (A))

This OA has been filed by Sh. T.K. Bakshi challenging
the impugned order dated 10.02.87 seeking recovery of Rs.6,772.39.

2. The applicant is a Trained Graduate Teacher working
in the Government Boys Senior Secondary School under the Delhi
Administration. In 1976, he was working as Work Experience
Teacher in Electronics at the Government Boys Senior Secondary
School No.2, Sarojini Nagar. He alleges that Dr. J.P. Mishra
Principal of the Sarojini Nagar School was angered by his object-
ion to the Electronics Room being used for group tuitions and

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..2/-

declared him surplus and got him ^{by} transferred to Govt. Boys Sr. Secondary School, STC Colony where he is at present working. He was relieved of his duties on 17.01.86 when he was issued a Last Pay Certificate. His representation against the transfer further infuriated Respondent No.2 who asked him vide letter dated 21.3.86 to hand over the charge notwithstanding the fact that he had already done so on 17.1.86. In fact Respondent No.2 himself took over the entire charge of Work Experience Department alongwith that of middle Science Laboratory and took in his own possession all the Stock Registers and all the keys pertaining to the Rooms and the Almirahs on 17.1.86. The fact of handing over and taking over is mentioned in all the Stock Registers in the custody of the Respondents. In view of this, no recovery can be made. He has prayed that the impugned order of recovery dated 10.2.87 be set aside.

3. The respondents have stated that the applicant was asked to hand over the charge to Sh. S.P. Sharma, TGT but on his refusal to do so, formal orders to break open the lock of the door Laboratory, had to be issued by the competent authority. The shortages were worked out in the presence of the Committee of four officers and the applicant was duly informed this decision in advance. The shortages to the tune of Rs. 6772.39 P. were brought to the notice of the applicant. They have also ^{by} averred that no formal orders have been issued for the recovery so far.

4. This case appeared in the cause list in its turn on 26.10.87. Since then, it has been adjourned five times but no one has appeared on behalf of the respondents. The case is, therefore, being decided on the basis of the material available in the record. We accept the contention of the respondents given

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in their counter that the impugned order dated 10.2.87 is not a proper order of recovery and only informs the applicant about the claim of the Sarojini Nagar School Authority that there is shortage of Rs. 6772.39 P. What the school authorities have done is to prepare a list of items available in the Laboratory and though it is mentioned in their letter dated 9.2.87 (Annexure D) that the loss comes to Rs. 6772.39, only a list of items found is enclosed and it is not clear how the shortage was computed. It appears that in the absence of Stock Registers, it was not possible for them to arrive at a definite conclusion.

5. In the facts and circumstances of the case, the application is disposed of with the following orders and directions :-

- (i) No action will be taken on the basis of the impugned letter dated 10.2.87 unless, the shortages are worked out on the basis of a Stock Registers after taking into account the consumables that may have been used by the laboratory.
- (ii) If after proper verification, it is found that the applicant is responsible for some shortages, procedure under rules shall be followed for effecting the recovery i.e. a proper notice shall be issued to the applicant and he will be given an opportunity to defend himself.

There will be no order as to costs.

A.K. Sinha
'A.K. Sinha' 5/3/93

Member (J)

B.N. Dhoundiyal
'B.N. Dhoundiyal' 27/3/93

Member (A)