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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A.No.1165/90

New Delhi, this the 22nd day of August, 1994.

HON'BLE SHRI P.T.THIRUVENGADAM MEMBER(A)

Shri Haripal Singh
Craft Instructor
Industrial Training Institute
Jahangir Puri, Delhi.
(By Sh.BL Madhok, Advocate)
Vs.

..Applicant

Lt.Governor, Delhi Administration
through:

1. The Director,
Training & Technical Education,
Rouse Avenue, New Delhi.

2. The Principal,
Industrial Training Institute,
Jahangirpuri, Delhi.

..Respondents.

(By Advocate Shri BR Prashar)

ORDER (ORAL)

HON'BLE SHRI P.T.THIRUVENGADAM

The applicant had availed L.T.C during 1983 for performing journey from Delhi to Kanyakumari alongwith his family members. He submitted LTC claim for Rs.6325/- for 6½ tickets. The applicant was paid the amount. The Directorate of Vigilance Delhi Administration, Delhi made a final report in complaint No.52/83 A.C.Branch in which it was submitted that claim for only 2½ members including the applicant was justified and recovery for the remaining members of the group was recommended. Accordingly, an order dated 22-5-90 was issued to the applicant directing him to deposit a sum of Rs.3450/- with the cashier of the Institute before 31-5-90 failing which it was advised that the amount will be recovered out of his monthly salary. This O.A. has been filed with the prayer that the impugned orders of 22-5-1990 may be quashed. On 6-6-90 an interim order was passed suspending the

recovery of the amount and the interim order has been continuing.

2. The main argument of the applicant is that the recovery order has been passed without giving him an opportunity to explain his position. The order regarding recovery cast a stigma and under the common law an opportunity of hearing in accordance with principles of natural justice must have been extended. In a similar case filed before this Bench of the Tribunal in OA No.22/89 decided on 17-1-1990 similar orders of recovery were quashed on the grounds of not providing any opportunity to the applicant to rebut the charges against him. The applicant had stayed in Hotel Ganesh at Kanyakumari along ^{with} 2½ members of his family as has been brought out in the final report in complaint No.52/83 of Anti Corruption Branch, Delhi Administration. The applicant was advised ^{of} the report of the Anti Corruption department on 10-10-88 against which the applicant gave a representation on 17-10-88. There was a further representation of applicant dated 13-12-88 which was forwarded to the Directorate for consideration. The Directorate had instructed to recover the LTC claim in respect of four members of the family of the applicant besides taking disciplinary action against the applicant. It is the case of the respondents that opportunity was given to the applicant to defend himself.

3. Having noted the position after hearing both sides, I find that during the inquiry conducted by the Anti Corruption Branch there is nothing to show that the applicant was shown or confronted with the evidence against him. No facts have been communicated by the respondents to the applicant to give him an opportunity to substantiate his claim that the journey was performed ^{by} with all the 7 members for

which he had preferred the claim and paid the same. Recovery had been ordered after nearly 7 years of the journey and there is no doubt that the impugned action thus passed a stigma on the applicant. I have also perused the orders passed by this Bench in O.A.No.22/89 on 17-1-90 in a case where the facts are similar. For the reasons as mentioned above the impugned order was set aside.

4. In the circumstances, I set aside the impugned order of recovery dated 22-5-90. Since the issue relates to 1983, it will not be in the interest of justice to pursue the applicant after more than ten years on the same charges. In the circumstances, I do not think it necessary to give liberty to the respondents to initiate fresh action. O.A. is disposed of on the above lines. No costs.

P. T. Thiruvengadam
22/8/95
(P.T. THIRUVEN GADAM)
Member (A)

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