

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA 2935/1991

Date of decision: 30.07.1993

Shri B.D. Bajaj

...Petitioner

Versus

Union of India & Others

...Respondents

For the Petitioner

...Shri S.K. Sawhney, Counsel

For the Respondents

...Shri F. Hussain, proxy
counsel for Shri M.I. Verma, Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAN, VICE CHAIRMAN
THE HON'BLE MR. S.R. ADIGE, ADMINISTRATIVE MEMBER

JUDGMENT (ORAL)
(of the Bench delivered by Hon'ble Mr.
Justice S.K. Dhan, Vice-Chairman)

The petitioner who was serving as Sub. Divisional Officer Telegraphs Taran Taran under the jurisdiction of Manager (Telecom), Amritsar from 5.10.1984 to 20.1.1988 submitted certain TA Bills from March, 1986 to January, 1988. An audit objection was raised that in his capacity as Sub. Divisional Officer he had employed some casual workers in violation of the relevant instructions and rules and he spent the amount from the imprest account. The amount was to the tune of Rs.24,599.05. The respondents commenced recovery of the said amount by deducting Rs.500/- from the monthly salary of the petitioner. The petitioner has retired from service. He has come to this Tribunal with two prayers. The first is that the respondents may be directed to pay TA Bills from March, 1986 to January, 1988. The other is that the recovery of Rs.24,599.05/- may be declared as illegal and an order may be passed for his reimbursement.

2. A counter-affidavit has been filed on behalf of the respondents.

3. The respondents have asserted that they have no objection to the payment of TA Bills provided the petitioner satisfies them that in fact, he is entitled to the payment. Their case is that the original bills submitted by the petitioner have been lost and are not traceable. They asked the petitioner to submit duplicate bills but he failed to do so. They also pointed out that the petitioner should have no difficulty as he must be maintaining a diary which is usually maintained by every Sub Divisional Officer (T) and the diary must be containing the necessary particulars from which fresh T.A. Bills can be prepared. The petitioner replied by saying that he had deposited the diary when he was transferred from Taran Taren. He also says that he can prepare duplicate bills if permitted to inspect the record at Taran Taren.

4. The respondents should have no objection in permitting the petitioner to look into the records so as to entitle him to prepare duplicate bills. The petitioner shall be permitted to inspect the relevant record. If the petitioner submits duplicate bills, the authority concerned shall make the payment within a period of one month from the date of submission of the bills by him.

5. It appears to be an admitted position that the authority concerned commenced deducting a sum of Rs.500/- month by month from the salary of the petitioner even before giving him a notice. However, in the counter-affidavit it is asserted that after the commencement of the deduction, two communications were sent to him. He, in turn, replied that he had not received the communication. Finally, on 10.09.1987 the authority concerned sent copies of the earlier letters sent by the department to the petitioner. In the counter-affidavit it is asserted that no reply was received

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from the petitioner after 10.09.1987. This assertion is not quite correct. Annexure 'C' to the O.A. is a copy of the letter dated 18.1.1988 of the petitioner to the Telecom, District Manager, Amritsar. A perusal of the same indicates that the petitioner had given some sort of explanation for recruiting casual workers. Again on 14.1.1989, the petitioner addressed another communication to Shri H.K. Lal, Telecom District Manager, Amritsar, a true copy of which has been filed as Annexure 'D' to the C.A. In the said communication, he had reiterated the contents of the earlier communication and made a specific prayer that pending final decision the recoveries may be stayed. He had also pleaded that he may be permitted to look into the Muster Rolls and the precedence diaries attached to the Muster Rolls with explanation of the JE under whose instructions the workers were working and by whom the expenditure was allocated.

6. It appears to us that no officer took any decision upon the aforesaid representations of the petitioner. The result is that the said representations are pending.

7. We have already indicated that the recovery commenced before any notice was issued to the petitioner. The post decisional remedial hearing sought to be given to the petitioner remained incomplete in so far as the two representations made by him remained undisposed of. We, therefore, direct the authority concerned to consider the two representations of the petitioner on merits and in accordance with law. Since the matter is pretty old, the authority concerned shall give an oral hearing to the petitioner. If the petitioner desires and the authority concerned feels that his request is reasonable, he may be

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permitted to inspect the relevant record. The authority concerned after considering the representations shall pass a reasoned order. If the authority concerned comes to the conclusion that the petitioner was justified in making the recruitment, he shall direct that the amount deducted from his salary shall be refunded to him.

8. The authority concerned shall pass necessary orders on the representation of the petitioner within a period of three months from the date of presentation of a copy of this order by the petitioner. There shall be no order as to costs.

S.R. Adige
(S.R. ADIGE)
MEMBER (A)

S.K. Dhaon
(S.K. DHAON)
VICE-CHAIRMAN(J)

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