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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 1285/2004

New Delhi this the 25th day of May, 2004

Hon'ble Shri Sarweshwar Jha, Member (A)

Jal Singh
S/O Late Shri Ram Karan,
R/O D-15, CTI Complex,
Raja Garden, New Delhi-46

..Applicant

(By Advocate Shri U.Srivastava)

VERSUS

Government of NCT of Delhi through

1. The Chief Secretary,
Players Building,
Delhi Government Secretariat,
IP Estate, New Delhi.
2. The Principal Secretary (Home),
Govt. of NCT of Delhi,
Delhi Secretariat, New Delhi.
3. The Director General of Home Guard
and Civil Defence, Nishkam,
Sewa Bhawan, Raja Garden, New Delhi.

..Respondents

O R D E R (ORAL)

Heard the learned counsel for the applicant.

2. The applicant has impugned the orders of the respondents passed on 30.4.2004 whereby it has been ordered that an amount of Rs.16,400/- be recovered from the salary of the applicant. He has accordingly prayed that the said impugned order be quashed and he may be allowed all consequential benefits.

3. The applicant, who is an Instructor Civil Defence with the respondents had been appointed to the post on 21.5.1997. While he has claimed that he had

been serving the respondents to their entire satisfaction, show cause notice was issued to him by the respondents vide order dated 19.5.2003 (Annexure A-2) in which he was asked to show cause as to why an amount of Rs.16,400/-, which had been allegedly overpaid to the Home Guard volunteers, should not be recovered in instalments from his salary and why a minor penalty of reduction to a lower stage in the time scale of pay for a period not exceeding three years without cumulative effect and not adversely affecting his pension should not be imposed on him. The applicant submitted his reply/representation on 11.6.2003 (Annexure A-3). Having considered the said representation, the respondents issued an order on 19.6.2003 imposing recovery of Rs.16,400/- from his salary. The minor penalty of reduction to a lower stage in the time scale of pay for a period not exceeding three years without cumulative effect and not adversely affecting his pension was ignored by the disciplinary authority on purely humanitarian grounds.

3. The applicant filed an appeal against the said order on 16.7.2003 (Annexure A/4). He has also submitted a representation on 21.7.2003 on the subject of stayal of recovery from salary as ordered vide order of the respondents dated 17.6.2003 and 19.6.2003. It has been further submitted that while the respondents have not given effect to their orders, the applicant has

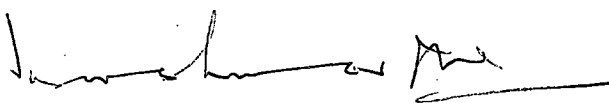


since received the order dated 30.4.2004 ordering to implement the said order of the respondents dated 19.6.2003 immediately.

4. It is observed that the appeal/representation is still pending with the respondents.

5. Under these circumstances and also as separately decided in a similar case in OA 1276/2004 on 24.5.2004 and having regard to the facts as submitted in this original application, I consider it appropriate to dispose of this OA at the admission stage itself with a direction to the respondents to dispose of the appeal as well as the representation pending with them by issuing a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. They are further directed not to recover the amount of Rs. 16,400/- from the salary of the applicant till they have disposed of the appeal/**representation** of the applicant.

6. With this, the OA stands disposed of.


(Sarweshwar Jha)
Member (A)

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