

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1487/2004

New Delhi this the 16th day of August, 2004

Hon'ble Mr. Shanker Raju, Member (J)
Honble Mr.S.A. Singh, Member (A)

Shri Tanvir Ahmed,
Junior Engineer-WC
Northern Railway Udhampur,
Jammu Kashmir.

...Applicant
(By Advocate: Manish Sharma)

VERSUS

1. Union of India
Through Secretary,
Ministry of Railways,
New Delhi.
2. Northern Railways,
Through General Manager,
Baroda House, New Delhi.
3. Asstt. Executive Engineer (Const.)
Northern Railway,
Udhampur, New Delhi.

...Respondents
(By Advocate: Shri Rajinder Khatter)

O R D E R (ORAL)

By Shri Shanker Raju, Member (J)

Heard the counsel for the parties.

2. Reply to the rejoinder affidavit filed by the applicant is taken on record.
3. On an audit report which was intimated to Headquarter New Delhi, recovery on account of unauthorised occupation and non-submissions of Vacation Report in respect of government accommodation had been effected against the applicant from his salary w.e.f. September, 2003.
4. Learned counsel for applicant produced a copy of order dated 01.12.2001 issued by SE, Manwal

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(2)

where it is acknowledged that the applicant had already submitted the Vacation Report in respect of Quarter No.3-D at Manwal. It is also brought to our notice that regarding the outstanding and current electricity bill an application for stoppage was made by the applicant on 7.9.2002.

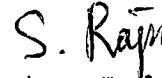
5. Learned counsel for respondents vehemently opposed the contentions. However, he does not dispute that before effecting recovery no reasonable opportunity was accorded to the applicant.

6. Be that as it may, it is trite law that civil consequences cannot be ensued upon the government servant without following due procedure of law.

7. In the result, the OA stands disposed of with the direction to respondents to afford a reasonable opportunity to represent to the applicant and thereafter take a final decision regarding recovery. In this process, the document dated 01.12.2001 (ibid) be ascertained and considered. Till then no recovery shall be effected from the salary of the applicant. The aforesaid process shall be completed within three months from the date of receipt of a copy of this order. No costs.


(S.A. Singh)

Member (A)


(Shanker Raju)
Member (J)

/kdr/