

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 14th day of March, 2001

C O R A M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C

Original Application No. 652 of 1996

M.L. Kureel S/o Late Chhammi Lal

Working as Charge Man Gr. II, Estate Ordnance Factory,
Kanpur.

.....Applicant

Counsel for the applicant:- Sri M.K. Upadhyay

V E R S U S

1. Union of India through the Secretary,
M/o Defence, Department of Defence Production,
New Delhi.
2. The Chairmen, Ordnance Factories Board.
10- A, Auckland Road, Calcutta-1.
3. The General Manager, Ordnance Factory (OFC),
Kanpur.

.....Respondents

Counsel for the respondents:- Sri P. Mathur

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this O.A under section 19 of the Administrative Tribunal's Act. 1985, applicant has challenged the order dated 10.08.94 by which respondent No. 3 has cancelled the request of the applicant for adjustment of L.T.C advance of Rs.7448/- given to him on 15.05.87. It has been further ordered that the entire advance amount

^{shall be}
~~have been~~ recovered from the salary of the applicant. Learned counsel for the applicant has questioned the legality of the order on account that no opportunity of hearing was given to the applicant before passing the order for recovering of the advance amount with interest.

2. Sri P. Mathur, learned counsel for the respondents has further submitted that there were discrepancies in the claim submitted by the applicant and on account of this, the impugned order has been passed.

3. I have considered the submissions of learned counsels for the parties.

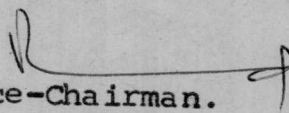
4. It can not be disputed that the impugned order entails civil consequences against the applicant as the recovery of the entire amount with the interest ^{has} ~~was~~ ^{been directed} ~~was recovered~~. The legal position in such cases is well settled that order can ~~not~~ be passed after giving opportunity of hearing and explanation to the person concerned. If the discrepancies were noticed in the L.T.C bill submitted by the applicant they should have been pointed out, ^{the} ~~the~~ amount and he should have been given opportunity of his explanation. It appears that the same has not been done in the present case. In the circumstances the applicant is entitled for the relief..

5. For the reasons stated above, the impugned order dt. 10.08.1994 (Annexure A-1) and 16.10.1993 (Annexure A-2) are quashed. However, liberty is given to the respondents to give show-cause notice

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and invite objection of the applicant and then pass the order in accordance with law. If the explanation of the applicant is accepted, the amount recovered from him shall be refunded.

6. There will be no order as to costs.


Vice-Chairman.

/Anand/