

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 31st day of October, 2001.

Original Application No. 1213 of 2001.

CURAM :-

Hon'ble Mr. Rafiquddin, J.M.

Birendra Prasad Son of Late Lalta Prasad,  
Resident of 31/38, Stanley Road, Allahabad,  
Presently posted as Barrack Stores Officer,  
(B.S.O.) at Garrison Engineer's Office,  
Ranikhet, District Almora.

(Sri A.C. Misra, Advocate)

. . . . . Applicant

Versus

1. Union of India through Engineer-in-Chief,  
Army Headquarters, D.H.Q. PU New Delhi-11
2. Engineer-in-Chief, Army Headquarters,  
DHQ PU New Delhi-11
3. The Commanding Officer, Controller of Defence  
Accounts, Central Command, Lucknow.
4. Controller of Defence Accounts(Army), Meerut.
5. Commander Works Engineer(C.W.E.), Air Force,  
Bamrauli, Allahabad.
5. Garrison Engineer(Air Force), Gorakhpur.
6. Garrison Engineer, Ranikhet, District Almora.

(Sri R.C. Joshi, Advocate)

. . . . . Respondents

O R D E R (U r a l)

By Hon'ble Mr. Rafiquddin, J.M.

The applicant, who is posted as Barrack Store officer (B.S.O) under Garrison Engineer, Ranikhet, district Almora has filed this UA for quashing the orders/letters dated 25-7-2001, 15-6-2001 and 26-4-2001 (Annexures-A-1, A-2 and A-3 to the UA) and issuing direction to the respondents to pay his regular salary without any reduction and refund the amount deducted from his salary illegally. The applicant further seeks damages to the tune of Rs.1 lac from the respondents.

R

2. It appears that the CDA (Army), Meerut vide order dated 25-7-2001 addressed to the Garrison Engineer, M.E.S. Ranikhet had informed that an amount of Rs.5639/- has been recovered on account of TA/DA demand of Rs.67,925/- and rent of Rs.516/ and advance of pay of Rs.9300/- in respect of the applicant. It is also stated that net pay be recovered from the pay of the applicant till the aforesaid demand of Rs.77741/- as per LPC is recovered.

3. It is stated that when the applicant was transferred from Gorakhpur to Ranikhet on 26-3-2001, his LPC was issued, a copy of which has been annexed as Annexure-A-3 to this OA in which only a sum of Rs.9300/- was to be recovered in three instalments being amount of advance of pay paid to the applicant which has already been recovered. A sum of Rs.36,000/- on account of advance of TA was also shown to be recovered from the pay of the applicant. According to the applicant this amount can be utilised by the applicant during one year from the date of his transfer i.e. upto March, 2002. Hence, the same is also not liable to be recovered at this stage. It is, therefore, contended that the disputed amount of Rs.67,925/- and Rs.516/- is not to be recovered from the salary of the applicant. It is further stated that a sum of Rs.7386/- has also been recovered in lump sum from the salary of the applicant vide cheque dated 24-3-2001 without any reason.

4. The applicant submitted a detailed representation on 03-3-2001 against this illegal recovery from pay and allowances of the applicant before Garrison Engineer, MES Ranikhet, a copy of which is annexed as Annexure-A-9 to this OA. Learned counsel for the applicant has stated that the respondent authorities have not passed any



order on his representation. Hence, he has filed the present OA.

5. I have heard counsel for the parties and perused the record.

6. Considering the fact that no ground or reason has been disclosed in the impugned letter dated 25-7-2001 (Annexure-A-1) and that the representation of the applicant dated 03-8-2001 has neither been considered nor any order has been passed on it, I find it proper to dispose of this OA at the admission stage with direction to the respondent <sup>/nos. 3 and 4</sup> to consider and pass appropriate order as per rules on the representation of the applicant dated 03-8-2001 within a period of one month from the date of receipt of the copy of this order. It is also provided in the interest of justice that till representation submitted by the applicant is considered and disposed of by the competent authority, no recovery shall be made from the salary of the applicant. No costs.

*Rajiv Mehta*  
Member (J)

Dube/