

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

...

original Application No. 1361 of 2004.

this the 19th day of November 2004.

HON'BLE MR. JUSTICE S.R. SINGH, V.C.

1. Anoop Kumar, S/o late Ganga Prasad.
2. Basant Lal, S/o Late Sarjoo Ram.
3. Ramesh, S/o Late pooran.
4. Mangal, S/o Late Ram Sumer.
5. Shyam Kishore, S/o Late Ram Kumar.
6. S.K. Gogia, S/o Sri Prem Kumar Gogia.
7. Nand Lal, S/o Sri Tilkoo.
8. R.K. Agnihotri, S/o Sri Kailash Nath Agnihotri.
9. Rajesh Kumar, S/o Sri Ram Bahadur.
10. Dinesh Dutt, S/o Sri Siya Ram.
11. Shyam Lal, S/o Late Ram Prasad.
12. Lalit Kumar, S/o late Ram Mangal Verma.
13. A.K. Bajpai, S/o late Ram Bilas Bajpai.
14. Dildar Ahmed Ansari, S/o late Abrar Hussain.
15. Jai Singh, S/o late Digvijai Singh.
16. N.K. Nishad, S/o late Munni Lal.
17. J.S. Kushwaha, S/o late Lakshmi Narain.
18. D.P. Pandey, S/o late Uma Shanker Pandey.
19. Nawal Kishore Misra, S/o late Ayodhya Prasad Misra.
20. Madal Lal, S/o late Baijoo Lal.
21. Udai Pal, S/o late Sukh Lal.

Applicant.

By Advocate : Sri R.K. Shukla.

Versus.

1. Union of India through the Secretary, Ministry of Defence, Deptt. of Defence Production & Supplies, Govt. of India, New Delhi.
2. The Secretary, Ordnance Factory Board, 10-A, S.K. Bose Road, Kolkata.

3. The Addl. D.G.O.F., Ordnance Factories Group Headquarters, Ayudh Upaskar Bhawan, G.T. Road, Kanpur.
4. The General Manager, Ordnance Parachute Factory, Kanpur.

Respondents.

By Advocate : Sri Saumitra Singh.

O R D E R

Heard Sri R.K. Shukla, learned counsel for the applicants and perused the impugned order/notice dated 9.10.2004.

2. According to the impugned order/notice a sum of Rs.2436/- was paid to the applicants as Night Duty Allowance from April 98 to October 2000, which according to the impugned order/notice was not payable to the applicants. It is mentioned therein that the deduction from their salary was proposed w.e.f. October, 2004. The applicant no.1 was accordingly asked to submit this explanation, if any, within seven days. It is submitted that the applicant has already preferred a representation dated 20.10.2004, a copy of which has been annexed as Annexure A-5 to the O.A.

3. The grievance of the applicants is that the respondents have started making recovery from the salary of the applicants w.e.f. October, 2004 without deciding the representation, which the applicant no.1 preferred on receipt of the impugned order/notice.

4. Having heard the counsel for the parties, I am of the view that the respondents ~~are~~ not ought to have proceeded with the recovery without passing any order on the representation filed by the applicant no.1 in response to the impugned order/notice.

5. Accordingly, the O.A. is disposed of with a direction

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that in case any written order has not already been passed after due consideration of the representation filed by the applicant no.1, further recovery pursuant to the impugned order/notice shall not be made till appropriate decision is taken by the competent authority after proper self direction to the representation filed by the applicant. In case the written order has already been passed on the representation of the applicant, a copy thereof shall be furnished to the applicants within a period of 10 days from the date of receipt of copy of this order, so that to enable the applicants to pursue their remedy under the Law. NO costs.

(Ran)
VICE CHAIRMAN

GIRISH/-