

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

HON'BLE MR.A.K. GAUR , MEMBER (J).

Original Application Number. 945 OF 2005.

ALLAHABAD this the 20th day of **February, 2009.**

Dilip Kumar Mandal, aged about 35 years, S/o Shri Maheshwar Prasad, presently residing at Railway Quarter No. 1085/CD, 3rd Line, Shashtri Nagar, Mughalsarai.

.....Applicant.

VERSUS

1. Union of India through General Manager, East Central Railway, Ram Ashish Chowk, P.O. Diggi, Hazipur (Bihar).
2. Senior Divisional Personnel Officer, East Central Railway, Mughalsarai.
3. The Principal, East Central Railway Inter College, Mughalsarai.

.....Respondents

Advocate for the applicant:

Sri Rakesh Verma

Advocate for the Respondents :

Sri K.P. Singh

ORDER

It has been contended by the learned counsel for applicant that against three similarly situated persons order for recovery was issued but against two persons, recovery order has been waived. Learned counsel for the applicant would further contend that no notice or opportunity to file his defence has been granted to the applicant and order of recovery has been passed. According to the applicant, principle of natural justice and fair play has been violated. It is seen from the record that operation of order of recovery has already been stayed by this Tribunal.

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2. Having heard learned counsel for parties I am firmly of the view that the order of recovery dated 19.05.2005/Annexure A-1 of O.A is illegal and without jurisdiction and same deserves to be quashed.

3. Accordingly order dated 19.05.2005/Annexure A-1 of O.A is hereby quashed and set aside. However, it will be open to the respondents to give fresh show cause notice and pass appropriate orders in accordance with rule.

4. There will be no order as to costs.

for Jm
MEMBER- J.

/Anand/