

CENTRAL ADMINISTRATIVE TRIBUNAL JAMMU BENCH, JAMMU

Hearing through video conferencing

O.A./61/1148/2021

This the 06th day of August, 2021

**HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)**



Suresh Kumar, age 54 years, S/o Sh. Tulasi Ram, R/o Village Harsath, Tehsil Ghagwal, District Samba.Applicant

By Advocate: Anil Khajuria

Versus

1. The Union Territories of Jammu and Kashmir, through its Principal Secretary to Govt. Jal Shakti (Public Health Engineering) Department, Jammu and Kashmir Civil Secretariat, Jammu - 180001.
2. The Chief Engineer, Jal Shakti (Public Health Engineering) Department, B.C. Road, Jammu – 180001.
3. The Superintending Engineer, Jal Shakti (Public Health Engineering) Department, Urban Circle, Jammu – 180001.
4. The Superintending Engineer, Jal Shakti (Public Health Engineering) Department, Hydraulic Circle Rural Mechanical, Kathua – 184101.
5. The Executive Engineer, Jal Shakti (Public Health Engineering) Department, Division Samba - 184141

.....Respondents

By Advocate:- Mr. Amit Gupta, A.A.G.)

O R D E R [O R A L]

Delivered by Hon'ble Mr. Anand Mathur, Member (A):

The applicant is aggrieved by the impugned order no. JS(PHE)/DJ/Accts/2020-21/3750-3779 dated 03.01.2021 (Annexure A-1) and Order / Circular No. JS (PHE)DJ/Accts./2020-21/642-75 dated

30.06.2020 (Annexure A-2), whereby the respondents have initiated action to recover the excess amount drawn by the applicant.

2. Learned counsel for the applicant submits that the applicant would be satisfied, if a direction is given to the respondents to issue show cause notice to the applicant before effecting any recovery of alleged excess amount.

3. Heard Mr. Anil Khajuria, learned counsel for the applicant and Mr. Amit Gupta, A.A.G., learned counsel appearing on behalf of the respondents and perused the record.

4. In view of the submissions made by the learned counsel for the applicant, the O.A. is disposed off with a direction to the respondents to issue a show cause notice to the applicant seeking his explanation regarding payment of alleged excess amount, if drawn by him, before giving effect to the recovery of excess amount in pursuance of the order no. JS(PHE)/DJ/Accts/2020-21/3750-3779 dated 03.01.2021 (Annexure A-1) and Order / Circular No. JS (PHE)DJ/Accts./2020-21/642-75 dated 30.06.2020 (Annexure A-2).

5. No order as to costs.

6. It is made clear that we have not expressed any opinion on merits of the case while disposing of the present OA.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Anand...