



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No.9208/2020
S.W.P. No.621/2010

Monday, this the 22nd day of March, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

Paras Ram S/o Sh. Shiv Dutta
R/o Ward No.8
Near PWD Rest House, Ram Nagar
District Udhampur, Age 58

..Applicant

(Mr. Ajay Abrol, Advocate)

VERSUS

1. State of Jammu and Kashmir through
Commissioner/Secretary to Government
Animal Husbandry Department, J&K
Government, Civil Secretariat, Jammu.
2. Director, Animal Husbandry Department
Talab Tillo, Jammu.
3. Accountant General, J&K, Shakti Nagar
Jammu.

..Respondents

(Mr. Rajesh Thappa, Dy. Advocate General)

ORDER (ORAL)**Mr. Justice L. Narasimha Reddy:**

The applicant was working as Senior Poultry Assistant (SPA) in the Department of Animal Husbandry, Jammu & Kashmir. An enquiry was ordered into the irregularities that have taken place in the Poultry Development Office, Udhampur. The applicant was also one of the employees working there. Through a report dated 23.09.2003, the DIG (Vigilance), Srinagar found that the applicant and two other employees by name Dr. R K Gupta and Mr. Ram Saroop, were responsible for misappropriation of a sum of Rs. 1, 34,073/-. Similar findings were recorded in respect of other employees. Taking the same into account, the Director, Animal Husbandry, Jammu passed an order dated 24.07.2004, directing recovery of an amount of Rs. 1,34,073/- from the applicant and two other employees named above. The applicant filed SWP No.621/2010 before the Hon'ble High Court of Jammu & Kashmir, challenging the same. The Hon'ble High Court passed an interim order dated 20.03.2010.

2. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.9208/2020.

3. Today we heard Mr. Ajay Abrol, learned counsel for the applicant and Mr. Rajesh Thapa, learned Deputy Advocate General.



4. The order of recovery was passed against the applicant on the basis of the report submitted by the DIG (Vigilance), Jammu on 23.09.2003. Whatever may have been the nature of inquiry that was conducted by the Vigilance Department, the applicant was entitled to be issued a show cause notice (SCN), before any recovery was made against him. Further, the sum of Rs.1,34,073/- is indicated against three officials, including the applicant. Unless the extent of involvement of each of them is determined, one cannot arrive at any specific conclusion about the exact amount, to be deducted from each of them. Since the recovery is a sort of minor penalty, a mere issuance of SCN would serve the purpose.

5. We, therefore, dispose of the T.A. and set aside the impugned order, insofar as it relates to the applicant, leaving it open to the respondents to issue SCN to the applicant and to pass appropriate orders. If it is proposed to recover any amount, the exact figure shall be indicated apportioning the liability among three officials. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 22, 2021
/sunil/jyoti/vb/ankit/