

**Central Administrative Tribunal
Principal Bench, New Delhi**



**O.A. No.1852/2020
M.A No. 2382/2020**

This the 12th day of May, 2021

(Through video conferencing)

Hon'ble Mr. Tarun Shridhar, Member (A)

Shri Kapil Kumar
Age-42
Electrician – Group 'C'
S/o. Shri Daya Nand Kumar
R/o. Qtr. No. F-7, Staff Quarters,
JNV, Jaffarpur Kalan,
New Delhi.

....Applicant

(By Advocate : Shri Abhinav Bansal)

Versus

1. Jawahar Navodaya Vidyalaya
Through its Principal
Jafar Pur Kalan, New Delhi-110 073

2. The Commissioner,
Navodaya Vidyalaya Samiti,
Sector-62, Noida.

...Respondents

(By Advocate : Shri S. Rajappa)

ORDER (ORAL)

The applicant is aggrieved by an order of recovery on account of alleged unauthorized electricity he was drawing while occupying a government quarter. The matter pertains to Jawahar Navodaya Vidyalaya, Jafarpur Kalan in which the applicant has been posted as an Electrician-cum-Plumber.



During the special audit there was an observation by the audit party that the applicant along with two other employees had been drawing excess electricity and further inquiry revealed that they had obtained unauthorized connection as the electricity they were using were not being metered. Subsequent to this audit observation an amount of Rs.92,184/- was ordered to be recovered from the applicant. Learned counsel for the applicant points out that the applicant was paying regular electricity charge which was being deducted from his salary. Therefore, the respondents have no case to effect further recovery. Moreover, the applicant has out rightly denied any unauthorized connection and instead informed that on account of a faulty cable the applicant was not able to make use either of the AC or a heater and hence, there is no question of drawing electricity in excess. Learned counsel also points out that after a preliminary inquiry, the respondents authority had themselves stayed the recovery proceedings of the applicant which is a pointer to the fact that there was no conclusive proof that the applicant was guilty of unauthorized consumption of electricity. He further points out that neither any proper show cause notice was issued to the applicant nor the observations of the audit have been shared with the applicant and hence this recovery is based on surmises and a calculation of which the applicant is totally unaware.



2. Learned counsel for the respondents on the other hand points out that the applicant has already agitated this matter in the Hon'ble High Court. Since the recovery is on the basis of a diligent audit which was in fact in the nature of a special audit, it is not liable to be questioned at this stage. Further he invokes the principle of limitation saying that the cause of action arose on 13.02.2019 whereas the applicant approached this Tribunal after a lapse of more than one year i.e., 17th November, 2020.

3. Learned counsel for the respondents also brings to notice that more than 50% of the amount to be recovered has already been deducted from the applicant and at this stage the applicant is not entitled to the relief he has sought.

4. Having heard the learned counsels of both the parties, I would dispose of the OA with a direction to the respondents to have a re-look into the entire matter in terms of the principles adopted by the audit to arrive at the figure of recovery of an amount of Rs.92,184/- as the audit report annexed with the OA does not clarify the picture. It is expected that the respondents will share this calculation with the applicant and before effecting further recovery give him an opportunity to make a representation and if the respondents find any merit in that representation and in the claim of the applicant, they should



provide the relief accordingly. However, in the event of a conclusive evidence of this unauthorized consumption supported by a correct calculation of the amount due, the respondents are at liberty to proceed further with the recovery of the amount due to the applicant.

5. The OA is disposed of accordingly. Pending MA(s) if any, also stands disposed of. There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

Mbt/Ankit