



**Central Administrative Tribunal  
Jammu Bench, Jammu**

T.A. No.813/2021  
(SWP No.1843/2010)

Tuesday, this the 13<sup>th</sup> day of July, 2021

(Through Video Conferencing)

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

Muhammad Sharief Wani,  
Age 51 years  
s/o late Muhammad Sadiq Wani  
r/o Karamsharoo, Budgam  
At present Baghi-Mehtab, Srinagar

..Applicant

(Mr. M M Dar, Advocate)

Versus

1. State of J & K through Commissioner Secretary to Rural, Development Department Civil Secretariat, Srinagar/Jammu
2. Director, Rural Development Kashmir Srinagar
3. Project Officer Wage Employment (ACD) Budgam
4. Block Development Officer Nagam Budgam
5. Tariq Mohi-u-ddin s/o Abdul Samad Kumar r/o Chaki Rathan, Khan Sahib District Budgam

..Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)

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

The applicant was working as Village Level Worker in the Block Khansahib, District Budgam, in the year 2009. He was associated with the implementation of the programme of Indira Awaas Yojana, the one of providing houses to deserving persons. Complaints were received from 43 beneficiaries, alleging that irregularities have taken place in providing the financial assistance under the scheme. The allegations were against the applicant, the In-charge Block Development Officer (BDO), by name Abdul Rashid and the Panchayat Inspector Block Khansahib, by name Bashir Ahmad Gazi. An order was passed on 01.09.2009, directing recovery of Rs.2.90 lacs from the three officers, at the ratio of 60% from the applicant, 25% from the Panchyat Inspector and 15% from the In-charge BDO. Challenging the same, the applicant filed SWP No.1843/2010 before the Hon'ble High Court of Jammu & Kashmir. He pleaded that the impugned order was passed in utter violation of the principles of natural justice and without conducting any inquiry.

2. The respondents filed a detailed counter affidavit. According to them, a Committee was constituted to verify the facts and on the basis of the findings arrived at therein, the

show cause notice (SCN) was issued to the applicant on 20.05.2009 and thereafter, on 31.07.2009. It is stated that the matter was examined and the impugned order was passed accordingly. The Hon'ble High Court passed an interim order dated 24.12.2010, directing that recovery from the applicant shall be confined to 40%, as against 60%.

3. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.813/2021.

4. Today, we heard Mr. M M Dar, learned counsel for applicant and Mr. Rajesh Thappa, learned Deputy Advocate General.

5. Through the impugned order, the respondents directed the recovery of Rs.2.90 lacs from three officials. The major portion to the extent of 60%, was to be recovered from the applicant. The first ground urged by the applicant is that no inquiry was conducted before the impugned order was passed. The record, however, discloses that the applicant was issued two SCNs, one on 20.05.2009 and the other on 31.07.2009. As a matter of fact, the applicant himself filed those SCNs as annexures. In the impugned order also, reference is made to the SCNs as well as the explanation offered by the applicant and

other officials. Therefore, the plea raised by the applicant is not factually incorrect.

6. In the light of the interim order passed by the Hon'ble High Court, the amount to the extent of 40% was already recovered from the applicant and he has since retired from service. Nothing further can be done at this stage.

7. We do not find any merit in the T.A. It is accordingly dismissed. If any amount in excess of 40% is recovered from the applicant, the same shall be refunded to him, within a period of two months from the date of receipt of a copy of this order, without any interest. There shall be no order as to costs.

**( Mohd. Jamshed )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**July 13, 2021**  
**/sunil/jyoti/**