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CENTRAL ADMINISTRATIVE TRIBUNAL ALIAHABAD BENCH
ALIAHABAD.

O.A No.1582 of 1992

Brihaspati Ram VermaApplicant.

Versus

Union of India & othersRespondents.

Hon'ble Mr.Justice S.K.Dhaon, V.C.

Hon'ble Mr.K.Obayya, A.M.

(By Hon'ble Mr.Justice S.K.Dhaon, V.C.)

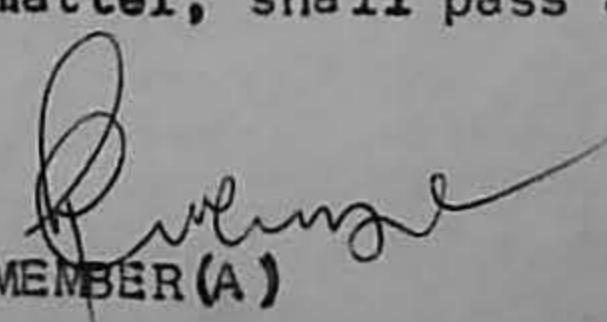
On 7.4.92, Telecom. District Manager, Varanasi sent a communication to the applicant, J.T.O. calling upon the applicant either to deposit a sum of Rs.98,260/- or to explain his position within a period of 15 days from the date of despatch of notice. It was also made clear that in the absence of non-deposit of amount or non-receipt of explanation, action will be taken to recover the said amount. It appears that on 16.4.92, the Telecom.District Manager sent another communication to the applicant drawing his attention towards the aforesaid notice dated 7.4.92 sent by Telecom.District Manager. By this communication, he was called upon to deposit the amount in cash by 21.4.92, failing which it was indicated that the said amount will be noted in Misc. R.R. and the recovery shall be made from the salary of the applicant. It is alleged that in pursuance of the said communication dated 16.4.92, last-pay-
certificate was / in which certain deductions were shown and thereafter, the applicant, who was transferred to Gonda, was paid salary after making deductions. The applicant approached this tribunal.

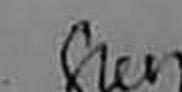
2. An action was taken to recover the amount on 16.4.92 i.e. before ^{the reply of a period of 15 days} this could not be done. It is said that the applicant had given his reply. It is apparent that the communication

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dated 16.4.92 was issued without considering his explanation. The procedure was adopted defeating the very purpose of giving ^{or} show cause notice. The communication dated 16.4.92 whereby the applicant was to suffer Civil consequences, was clearly issued in violation of ^{the} principle of natural justice. No action can be allowed to be taken in violation of ~~the principle of natural justice~~.

3. On 9.11.92, this tribunal directed that the notices be issued to the respondents to be returnable within two weeks. The matter was listed today (24.11.92). The Office-note indicates that the notices under registered post were sent to the respondents on 18.11.92 but no one has put in appearance on behalf of the respondents nor any ^{their behalf} vakalatnama has been filed on behalf of them. It will be presumed that the respondents have been duly served. Accordingly, this application succeeds and it is allowed. The communication dated 16.4.92, referred to above, is quashed and the respondents are directed not to make any recovery from the salary of the applicant till the reply, given by him, is disposed of on merit, ^{and} in accordance with law. The authority concerned while disposing of the matter, shall pass a speaking order.


MEMBER (A)


VICE CHAIRMAN.

DATED : NOVEMBER 24.1992.
(ug)

O.A. No. 1582/92

① 9/11/1992

Hon'ble Mr. Maharaj Din, J.M.

Issue notice to the respondents, returnable within two weeks. Meanwhile recovery proceedings from the salary of the applicant shall suspended. List this case on 24.11.1992 for admission.

W
J.M.

/am/

OB

Notice to Respondent
is served by Regd post
vide despatched on 8831-
8834, dt- 18.11.92.

Neither reply nor
undelivered copy has
been received on
date -

S.W.
23119224.11.1992

Hon. Mr. Justice S.K. Dhaon, V.C.
Hon. M.R. K. Obayya, A.m.

Heard the counsel for
the parties. Judgment dictated
separately.

A.M.

V.C.